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**ST. JOHN'S URBAN REGION**

# FEASIBILITY REPORT
# ON
# BOUNDARY AND STRUCTURAL CHANGES
# FOR LOCAL GOVERNMENT
# IN THE URBAN CORE AREA

C. W. POWELL, B.Sc., Ll.D., P.Eng.,
Commissioner

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# ST. JOHN'S URBAN REGION

## URBAN CORE FEASIBILITY REPORT

The Honourable Hazel R. Newhook,
Minister of Municipal Affairs,
Department of Municipal Affairs,
Confederation Building,
St. John's, Newfoundland.

Dear Madam:-

I, the commissioner appointed by you, pursuant to the provisions of Section 9 of The Municipalities Act, to prepare a feasibility report respecting proposals for boundary and structural changes for local government in the Urban Core of the St. John's Urban Region, take pleasure in submitting the following report, together with a copy of all written objections and representations, and a synopsis of the evidence submitted at the public hearings.

Respectfully submitted,

C. W. Powell, B.Sc., Ll.D., P.Eng.,
Commissioner.

May, 1981.

## ACKNOWLEDGEMENTS

Because the Commissioner had no staff of his own, he was able to conduct the public hearings and prepare this report only because of the assistance and co-operation of the staff of the Department of Municipal Affairs. The largest role was played by Mr. Donald Hurd, who served as Secretary to the Commissioner and prepared a synopsis of the evidence. Mr. William Moores recorded the proceedings of the hearings, and Mrs. Joyce Elliott typed the drafts and the final copy of the report.

The assistance of these three staff members assisted materially to speed the preparation of this report and their help is gratefully acknowledged.

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# CHAPTER I

## PURPOSE OF THE REPORT

This feasibility report is an attempt to evaluate proposals for boundary and structural changes for Local Government in the Urban Core Area of the St. John's Urban Region. The proposed changes were announced by the Honourable Hazel R. Newhook, Minister of Municipal Affairs, on January 16th., 1981.

Pursuant to the provisions of The Municipalities Act and The Municipalities Feasibility Reports Regulations, 1980, the evaluation is to be made in the light of evidence taken at public hearings, alternative proposals submitted at the hearings or any other time, and the criteria submitted in the regulations. Later it will be necessary to discuss these criteria in detail and attempt to assign a proper weight to them. For the present, it is sufficient to state that the purpose of this report is to make a sound choice among the different proposals advanced for boundary changes within the Urban Core of the St. John's Urban Region.

The Urban Core is that part of the St. John's drainage basins that can be fully serviced by an integrated sewerage system and developed to urban densities but excluding the watersheds of domestic water supplies and designated agricultural lands.

In preparing the Report the Commissioner is directed to comply with the provisions of The Municipalities Act, The Municipalities Feasibility Reports Regulations, 1980, and the following terms and conditions:

1. Confirm or recommend changes to the proposed boundaries of the Town of Mount Pearl, the Town of Wedgewood Park, the City of St. John's, and the St. John's Metropolitan Area.

2. Make recommendations regarding the future status of Kilbride.

3. Recommend changes where appropriate in the status of councils, the number of councillors, and the establishment of wards within any of the municipalities.

4. Make recommendations concerning the adjustment of assets and liabilities between municipalities affected by the proposals and procedures for implementing boundary and administrative changes to ensure the least possible disruption of services, the minimum adverse effects on residents, and the maximum utilization of the human and other resources of the Board and the Councils concerned.

5. Recommend dates for the coming into effect of the proposed boundary and other changes, bearing in mind that general municipal elections are due to be held in November of this year.

## CHAPTER II.

## THE EXISTING SITUATION

J.D. Rogers, on page 186 of his "Historical Geography of Newfoundland", writing in 1911 about the establishment of responsible government in 1855, noted that St. John's was the only municipality and stated,

> "In 1855 coping stones were placed upon the Constitution, yet the humble offices on the ground floor are still almost wanting. Being built from the roof downwards, self-government has not yet reached so far."

In 1933 the Newfoundland Royal Commission, in paragraph 558 of its report to the Parliament of the United Kingdom, recommended that an appointed Commission of Government be substituted for Responsible Government, and this was done in 1934. The report noted in paragraph 617 that there was no municipal government outside of St. John's and stated,

> "The formation of municipal governments in the more important outports, under proper control and with the proper safeguards, would do much to induce a sense of responsibility in those called upon to contribute towards the expenses of such governments. The effects of extravagances would be brought directly home to them."

The first towns outside of St. John's to be formally incorporated were Windsor and Corner Brook West in 1942, and Grand Bank in 1943. Thus, for almost ten years following the loss of Responsible Government, the St. John's

Municipal Council was the only democratically elected government in what is now the Province. This, coupled with the fact that St. John's is the capital of Newfoundland, gave the council a position of major importance and influence right up to Confederation with Canada.

After Confederation, the organization of Town Councils was accelerated by a Department of Municipal Affairs, and both it and the newly organized Councils drew on the experience and advice of the City Council and its senior staff. For a time, the Department and the City shared the same Town Planner.

In 1945 the City Council was empowered to exercise planning control one mile outside the City boundaries and in 1952 the St. John's Approaches Local Area Building Regulations granted power to the Minister of Municipal Affairs to exercise building control beyond the City's external Mile Planning Control Limit and to the limits prescribed in the Regulations.

In 1955 the Town of Mount Pearl/Glendale was incorporated to provide municipal services for a growing population some five miles west of St. John's and to exercise planning control over the Town and also over a large external area to the South and West. This area was then taken out of the jurisdiction of the St. John's Approaches Local Area Building Regulations.

In 1963 the City boundaries were extended to include the built-up area around its perimeter but the power to exercise planning control one mile beyond its limits was cancelled.

In the same year the St. John's Metropolitan Area Board was created. Originally it administered the area outside of St. John's and Mount Pearl and within the St. John's unorganized region. The Board is appointed by the Lieutenant-Governor in Council. Two members are selected from persons recommended by the City Council, and one from persons recommended by the Mount Pearl Council. Subject to the approval of the Minister, the Board may designate areas in which usual municipal services are supplied and taxes are collected. The following areas have been designated:

New Town
Donovans Industrial Park
West Hills
Kenmount Park
Ann Jeanette Trailer Park
Shea Heights
East Meadows
Guzzwell Subdivision
Ash Property
Coaker's Meadow
Fost Subdivision
Gregg Gardens
Greenview Subdivision
Mooney Crescent
Tobin Grove

The last five areas are in the settlement commonly called Kilbride. This settlement has no legal boundaries.

Outside the Designated Service Areas, services are mainly planning control and no taxes are collected on residential properties but commercial and industrial properties are taxed.

The Town of Wedgewood Park, which has a population of less than 1,500, was incorporated in 1967 to service a private housing development that had been built just outside of the City limits. The incorporation had the effect of removing the subdivision from the St. John's Metropolitan Area.

In 1969 the Mount Pearl External Planning Area was cancelled, with the result that planning control over it reverted to the St. John's Metropolitan Area Board. On one part of the area, a housing development known as New Town was constructed, and later became a Designated Service Area. Another part was used on which to construct what is known as the Donovan's Industrial Park.

Thus, as the St. John's Urban Core expanded to accommodate urban growth since 1949, the importance and influence of the St. John's City Council declined and the Urban Core became fragmented by legal boundaries.

Outside the St. John's Region, also during the same period, municipal government was organized into small local units. This phenomenon was given close study by the Royal Commission on Municipal Government in Newfoundland and Labrador. It concluded[1] that the practice of using local petitions and plebiscites as the primary criterion for creating municipalities or changing their boundaries was no longer appropriate and that a feasibility study and report should be substituted. The criteria to be used for the report were also given. These criteria were the basis for those prescribed

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[1] Royal Commission on Municipal Government in Newfoundland and Labrador (Whelan Commission) page 428.

in The Municipalities Feasibility Reports Regulations, 1980. Later we shall have to apply them to the proposals advanced for boundary changes in the St. John's Urban Core.

In the meantime, while the St. John's Urban Core has been fragmented by legal boundaries, regional land use planning, and therefore economic and service planning were being carried out using natural geographic, economic, and social boundaries. Based on these studies and reports, a St. John's Regional Development Plan was formulated and prepared. This Plan was adopted by Government in 1976, and in the same year a start was made on a regional water supply system. Major sewerage systems and other regional services have also been designed and installed.

In summary, therefore, the present position is that while the St. John's Urban Core has been planned and serviced as one integrated geographic, economic and social unit, it has been divided by legal boundaries into the City of St. John's, the Town of Mount Pearl, the Town of Wedgewood Park, and a portion of the St. John's Metropolitan Area. Parts of the St. John's Metropolitan Area within the Urban Core have been divided into Designated Service Areas.

# CHAPTER III.

## THE PROPOSALS FOR BOUNDARY AND STRUCTURAL CHANGES

The St. John's Urban Study was carried out between 1969 and 1973 by Proctor & Redfern Limited, Consulting Engineers and Planners, and Paterson Planning & Research Limited as a joint project of the Federal Department of Regional Economic Expansion and the Provincial Department of Community & Social Development. One of the primary conclusions of this study was:

> "The need for local government reform in the St. John's Urban Region stems from present day inadequacies that are structural, functional and financial in nature. On all three scores the system is incapable of meeting current problems and will be more so in the future as more people live in the area and problems become more acute, more pressing and more difficult to resolve."

A Commission of Enquiry, under the Chairmanship of Mr. Alex Henley, was established in 1974 to address these problems and to provide a vehicle to inform the general public of the issues and to receive public comment on them.

One of the main recommendations of the Commission's Report called for the City of St. John's to be expanded to form a single municipality within the Urban Core. The Provincial Government felt that while this may be the ideal solution, it is not publicly acceptable at this time. Therefore, instead of accepting the recommendations, Government, through the Department of Municipal Affairs, discussed the problem of

local government reform with municipal councils concerned and, bearing in mind all their different and individual preferences, the following proposal was formulated:

> "Government has decided that subject to final hearings into the proposed local government structural changes for which Feasibility Studies have already been conducted by the Department of Municipal Affairs and others, the following boundary changes will take place:
>
> The boundaries of the Town of Mount Pearl will be extended to include New Town/Donovans and the Topsail Road/Kenmount Road area.
>
> The boundaries of the Town of Wedgewood Park will be amended to include the existing and extended service area of the municipality.
>
> The boundaries of the City of St. John's will be extended to include all of the fringe areas of the urban core with the exception of the Towns of Mount Pearl and Wedgewood Park and Paradise and the community of Kilbride.
>
> The boundaries of the St. John's Metropolitan Area will be changed to exclude the areas which will be added to the City of St. John's and the Town of Mount Pearl and the Town of Wedgewood Park, and to include the watersheds of Windsor Lake, Broad Cove River and Petty Harbour-Long Pond where these are not already included within the boundaries of another municipality."

The Urban Core is defined as: The area comprised of the St. John's drainage basins that can be fully serviced by an integrated system and developed to urban densities but excluding domestic watersheds and designated agricultural lands.

Mr. Allston stated in evidence that because land on Torbay Road in the vicinity of the St. John's Airport is being used for industrial sites and additional sites are being considered, and because this land will be served by a trunk sewer through the City, the Minister now proposes that the additional potential industrial land be included in the City of St. John's. This amendment would constitute a change in the original proposal announced by the Minister on January 16, 1981.

The community of Kilbride was left in the fringe area because the residents, in co-operation with the Extension Services of Memorial University, were studying the local government options. It was expected that the study would be completed in time to submit a report at the public hearings to be held respecting the proposals and a decision could then be made in the light of the study and this feasibility report.

The following are the main reasons given to support the foregoing proposals:

"The proposed expansion of the Town of Mount Pearl will considerably increase the responsibilities and jurisdiction of that municipality; it will however provide a more balanced tax base and will enable the Town to develop close to the limits of its capacity as an urban municipality. The Town will have considerable potential for development but this will not be accomplished without careful planning and first-class administration.

The Town of Wedgewood Park has demonstrated that it can exist as it is at this time within the larger urban complex and it is proposed that it continue with limited extensions to take in existing development that is already serviced and administered by the Town, and to expand to the limits of the area that can be serviced by its present water and sewer system. To extend this municipality beyond these limits into the surrounding planned residential area would create an imbalance in the business/residential tax base which would make it increasingly more difficult to operate satisfactorily. It is also felt that a major extension to this municipality would have a similar but more costly effect than including it within the City of St. John's and would just as surely result in the present community's loss of identity which the residents are seeking to retain.

The City of St. John's has, over the past number of years, been losing industrial and commercial development to the suburban industrial park at Donovans and this is likely to continue in the future with the proposed Octagon Pond industrial park. Regional shopping centres have also reduced the ratio of retail business to residential uses but the non-revenue producing public buildings and services have continued to increase. To off-set this to some degree in the future, it is essential now to add at least one potential industrial and commercial area to the City, and the only area that meets these criteria is the St. John's Airport and environs. In addition, the City boundaries will be extended into those potential residential areas that can best be serviced through the City system.

The Windsor Lake, Broad Cove River and Petty Harbour-Long Pond watersheds are at present excluded from the Metropolitan Area and whilst the City of St. John's exercises development control in these areas, there is no municipal representation for those few residents who live in them. In this proposal, these areas are now included within the St. John's Metropolitan Area and in due course all Watershed Protected Areas designated in the St. John's

Urban Region Plan will be placed under the control of the St. John's Metropolitan Area Board and controls exercised by other municipalities in these areas will eventually be rescinded.

The future function of the St. John's Metropolitan Area Board will be:

to control development within the otherwise unorganized areas of the St. John's Urban Region;

to provide basic rural local government services to the residents of these areas; and,

to administer and operate the regional water supply system and such similar regional services that may be required in the future."

The Minister's Proposal also contained the following information:

- It is intended to make a decision on boundary changes in time to allow residents of the Urban Core to exercise their franchise within the new boundaries during the municipal elections to be held in November, 1981.

- The extended City of St. John's will now cover a much larger geographical area and in order to ensure adequate representation of the new areas that will be brought within the City boundaries, Government will encourage the Council of the City of St. John's to establish some form of ward system throughout the extended City before the next election.

- The Government is taking steps to require the St. John's City Council and the Wedgewood Park Town Council to

prepare, adopt and enact a Municipal Plan under the Urban and Rural Planning Act and to require the Mount Pearl Town Council to review its Municipal Plan, all in the light of the changed boundaries. The Provincial Planning Office of the Department of Municipal Affairs will be responsible for seeing to it that the afore mentioned Plans are co-ordinated with each other and with the Urban Region Plan.

It is not possible to carry out extensive boundary changes in an urban region such as this without providing for a smooth transition from one jurisdiction to another and there are many administrative matters that will have to be undertaken that will require goodwill and co-operation among the municipalities concerned. New agreements will have to be made concerning financial arrangements and respecting assets, debts and liabilities, contracts and agreements. There is also the transfer of responsibilities, controls and records and in some instances, staff transfers may also be necessary. It is therefore proposed to appoint a co-ordinating committee to expedite the administrative changes necessary resulting from the proposed municipal boundary changes and to devise means to ensure the least possible disruption of services, the minimum adverse effects on the residents, and the maximum utilization of the human and other resources of the Board and the Councils concerned.

- Mr. J.T. Allston of the Department of Municipal Affairs is appointed to be the Chairman of this Committee and the Councils of the City of St. John's, the Town of Mount Pearl, the Town of Wedgewood Park, and the St. John's Metropolitan Area Board are requested to nominate a senior official to sit on this Committee.

- The Co-ordinating Committee will be free to appoint sub-committees to work out the details of specific issues.

# CHAPTER IV

## THE PUBLIC HEARINGS

Pursuant to the provisions of The Municipalities Act and of The Municipalities Feasibility Reports Regulations, 1980, the Minister issued to the municipalities affected by the proposed boundary and structural changes Notices of Intent to Order a Feasibility Report, Orders directing that such a Report be Prepared by Clarence W. Powell, and Notices of Times and Places for Public Hearings into the Announced Proposals.

The following public hearings were held:

| | | |
|---|---|---|
| Mount Pearl Town Hall | March 2, 1981 | Afternoon & Night |
| Wedgewood Park Town Hall | " 4, 1981 | Afternoon & Night |
| St. John's City Hall | " 9, 1981 | Afternoon |
| " " " " | " 10, 1981 | Morning & Afternoon |
| " " " " | " 11, 1981 | Morning & Afternoon |
| " " " " | " 19, 1981 | Night |
| " " " " | " 24, 1981 | Morning & Afternoon |
| Rotary Park | April 8, 1981 | Morning & Afternoon |

The following persons appeared at the hearings for the purpose of making submissions and/or participating in cross-examination:

| Name | Representing |
|---|---|
| J.T. Allston | The Minister of Municipal Affairs |
| Robert Downey<br>Charles Gosse | Residents of New Town |
| Mayor Harvey Hodder<br>Brian McArthur,<br>Town Manager | The Mount Pearl Town Council |
| George Desbarets | Resident of Mount Pearl - appeared on his own behalf. |
| Mayor Wayne Thistle<br>Deputy Mayor D.M. Smith<br>Councillor Kirkland | The Wedgewood Park Town Council. |
| Paul Reynolds | Wedgewood Park Recreation Commission |
| Dr. David King | Pegasus Limited. |
| Leonard Williams<br>Gary E. Lane<br>George Cole<br>Peter Shea<br>Lloyd Brown<br>John Wood | Residents of Wedgewood Park who appeared on their own behalf. |
| The Hon. Thos. V. Hickey | Residents of Wedgewood Park. |
| Christine Fagan | St. John's Board of Trade |
| William Earle | Cabot Development Limited. |

| Name | Representing |
|---|---|
| Mayor Dorothy Wyatt<br>Neil Cohoon, City Manager.<br>James Finn,<br>Director of Engineering.<br>John Cameron, Consultant. | St. John's Municipal Council |
| Albert Burke,<br>Chairman | Kilbride Citizens Committee. |
| Leo J. Kirwin,<br>Chairman | Shea Heights Concerned Citizens Committee. |
| Thomas Lester<br>Jack MacDonald | Eastern Farmers Co-operative Society and the Newfoundland Dairymens' Association. |
| John R. O'Dea, Chairman.<br>Stephen Jewczyk, Planner | St. John's Metropolitan Area Board. |
| Raymond T. Fahey,<br>Chairman | Airport Heights Residents Committee. |
| Robert Vassallo | Resident of Airport Heights who appeared on own behalf. |
| John D. O'Brien, Chairman<br>Arnot Coish | East Meadows Citizens Committee. |
| Kenneth Goulart<br>Bruce Sheppard | Homeowners of Guzzwell Subdivisio |

The foregoing are in order of appearance.

The hearings went smoothly and were well reported by the media. Apart from the participants, however, they were poorly attended. The procedures prescribed in the Regulations are excellent. The only improvement suggested is that submissions be filed two clear working days before the date for the hearing instead of forty-eight hours. When the hearing date follows weekends or other holidays, the present regulation does not ensure that there will be an opportunity to peruse submissions before the hearings commence.

# CHAPTER V

# THE TOWN OF MOUNT PEARL BOUNDARIES

## The Existing Town

The existing Town is almost fully developed up to its boundaries and consists mostly of single family dwellings with supporting uses such as shops, schools and churches. There is very little industrial or commercial employment in the Town apart from that provided by operations which supply immediate needs of the Town's residents.

Prior to Confederation, Mount Pearl was a summer resort and agricultural area some three miles outside the west boundary of St. John's. The eastern part of the Town along Park Avenue developed in an informal manner before incorporation and in the early days of the Town's existence. It has a poor road pattern with parallel streets off Park Avenue not properly spaced from one another. That part of the Town west of Commonwealth Avenue developed in a reasonably orderly fashion with a gridiron rectangular layout. On the extreme western edge of the Town the area has developed as part of the New Town with a modern subdivision type of layout.

In the centre of the existing Town is the main shopping and business area at Centennial Square.

Under the proposal the population of Mount Pearl would be increased from 12,650 to 18,600 and the area would be increased from 340 hectares to 2,380 hectares of which about 1,700 are undeveloped.

Existing Public Services

The existing Town of Mount Pearl and the areas covered by Donovans Industrial Park, the New Town and West Hills subdivision have public water and sewerage systems. Water comes from the Regional Water Supply Source owned by the Province and operated by the St. John's Metropolitan Area Board. Sewerage is discharged into the Waterford Valley Regional Trunk Sewer system which is owned by the Province and operated under agreement with the Town of Mount Pearl, the City of St. John's, and the St. John's Metropolitan Area Board.

All other areas have no public water and sewer services.

The Mount Pearl Council provides road maintenance, snow clearing and garbage collection services to the existing Town with its own equipment and labour. The St. John's Metropolitan Area Board has these services carried out by contractors in the New Town, Donovans and West Hills. Residents of Evergreen Village and Elizabeth Park have these services provided by the developer. Property owners on Topsail Road and Kenmount Road benefit from road maintenance and snow clearing by the Province, but most make their own arrangements for garbage removal.

The Mount Pearl Council operates a recreational programme but the St. John's Metropolitan Area Board has none.

Fire and police protection are supplied by the Provincial Government to residents of the whole area affected.

The only services from the City, Mount Pearl now directly depends on are garbage disposal at Robin Hood Bay for which a fee is paid, the City's transit service for which it pays $9,000. a month jointly with Metro, and the City's sewer and storm drainage transmission systems.

## The Additions

New Town is a planned residential development by the Newfoundland & Labrador Housing Corporation with Federal Government funding support through Canada Mortgage and Housing Corporation. It contains about 960 dwelling units in Neighbourhoods 1 and 4. Neighbourhood 2 is in Mount Pearl and contains about 300 dwelling units. There are supporting commercial and institutional uses in Phases 1, 2, and 4. Neighbourhood 3 is for later development. The New Town has been planned at a high net residential density in order to reduce per lot servicing and road costs but with a generous open space provision. As with the existing Town of Mount Pearl, there is no industrial or commercial development apart from uses supplying local residential daily needs.

Donovans Industrial Park is a planned industrial park developed with Federal support by Newfoundland and Labrador Housing Corporation. About 90 hectares have presently been developed. The area was planned to take advantage of the nearby rail line, the Trans Canada Highway, and the Harbour Arterial Road with a direct connection to the St. John's harbour. To date most of the occupiers have been of a light industrial or warehousing type.

The Topsail Road Area extending west from Dunn's Bridge to the Donovans Overpass is an unplanned ribbon development with a mixture of residential, commercial and industrial uses, almost all with direct access to the Topsail Highway. None of this development is connected to public water and sewer services. The Town Council estimates that it would cost $2.7 million to provide these services. This area is a continuation in form and character of the similar development within the City of St. John's extending east from Dunn's Bridge, but the development within the City has regular municipal services.

The Kenmount Hill area includes Kenmount Park and West Hills Subdivisions. The subdivision is a residential development of a strip of land running north from Topsail

Road. The road pattern is constrained by the confines of the site and the steepness of the land. The subdivision is not co-ordinated with other development but is supplied with public water and sewer services. It contains about 290 houses, many of which are row houses.

The Kenmount Road area includes Evergreen Village and Elizabeth Park. The Village contains approximately 200 trailers and 125 houses in an unco-ordinated piecemeal development northwest of the Donovans Overpass. The dwellings are not connected to public services but are served by an internal water and sewer system provided and operated by the developer.

Financial Position of Existing and Proposed Town

The following local taxes are paid in Mount Pearl and the St. John's Metropolitan Area:

| | MOUNT PEARL | ST. JOHN'S METROPOLITAN AREA | |
|---|---|---|---|
| | | Serviced Areas | Unserviced Areas |
| PROPERTY TAX | | | |
| Residential | 8 mils | 6 mils | None |
| Commercial | 17 " | 19 " | 19 mils |
| Professional | 22 " | 19 " | 19 " |
| WATER & SEWER TAX | $114./unit | $90./unit | |

The property tax is on assessed market value in both Mount Pearl and the St. John's Metropolitan Area but the assessment in Mount Pearl is based on 1980 values while in the St. John's Metropolitan Area it is based on 1975 values. The St. John's Metropolitan Area Board is having a new assessment done in 1981. Thus the present property owners in the existing Town are paying higher taxes than owners of like properties in the St. John's Metropolitan Area.

Financial evidence submitted by both Mr. Allston and Mayor Hodder shows that both the existing Town and the proposed Town would be self supporting both now and in the foreseeable future. The projections are based on the present level of taxation by the Mount Pearl Town Council, the present level of Provincial Government grants, a smooth growth in population from 18,600 to 44,100, and the extension of the present level of service as required by the growing population.

## Staff Re-assignment

The Mount Pearl Town Council realizes that the proposed annexation would require adding to its staff and reducing the staff of the St. John's Metropolitan Area Board. It recommended that the re-assignment of surplus Metro staff be referred to the Co-ordinating Committee established by the Minister for recommendations to the affected municipalities at the earliest possible date.

## Suggested Modifications to Proposed Boundaries

The Mount Pearl Town Council suggested the following modifications to the proposed boundaries:

(a) That the Mount Pearl - St. John's Boundary at Park Avenue and Dunn's Lane be altered to coincide with the proposed East-West Arterial from Topsail Road south to the Waterford River.

(b) That modifications be made in the area of Farrell Drive to permit the sewer lift station servicing Kenmount Park to be within the Town of Mount Pearl.

(c) That modification be made in that sector where the proposed Mount Pearl - St. John's Boundary crosses Mount Carson Avenue to permit a more realistic servicing point. The Southwest Development Scheme recommends that Mount Carson Avenue be extended directly to the Trans Canada Highway and that in future this would be the major intersection in the Kenmount Park area. Consideration should therefore be given to adjusting the boundary so that the full extent of Mount Carson Avenue would be within the Town of Mount Pearl.

(d) In the area to the west and north of Elizabeth Park - Evergreen Village, consideration should be given to using the proposed Outer Ring Road as a boundary between the Town of Mount Pearl and the neighbouring municipalities.

(e) That modification be made to the southernmost proposed watershed boundary. This revised boundary would fully enclose the Development Limits of the Newfoundland & Labrador Housing Corporation Mount Pearl-New Town Development Scheme.

Ward System

The Town favours the continuation of the At-Large method of election but is open to suggestions on the total membership of the Council.

Position of New Town Citizens' Committee.

The population of New Town outside the existing Town of Mount Pearl boundaries is about 3,800. The brief presented on behalf of the New Town Citizens' Committee stated that a plebiscite taken some three years ago showed 80-85% of the residents then rejected annexation to Mount Pearl and instead expressed the wish to remain under the St. John's Metropolitan Area Board. The same choice was endorsed in a plebiscite conducted on April 25, 1981, in which 28% of those eligible to vote in the plebiscite cast a ballot and of these, 86% voted to remain under the St. John's Metropolitan Area Board as it exists today. A Citizens' Committee attended the public hearings and presented a case for remaining with the St. John's Metropolitan Area Board. Reasons for their choice are:

(a) municipal services provided now are excellent;

(b) revenue collected in the community is sufficient to meet expenditures;

(c) combined with Donovans Industrial Park, New Town would continue to be self-supporting and have potential for future growth under Metro; and,

(d) as part of Mount Pearl, municipal taxes would be higher than under Metro.

Town of Paradise Objections to Proposal

The Paradise Town Council submitted that Evergreen Village and the associated Elizabeth Park have access to the Provincial highway only through the Town of Paradise; that the developers and original owners of the land were and are residents of Paradise, and that they have expressed the earnest desire to have the Village become part of the Town instead of the St. John's Metropolitan Area. Accordingly, the Council opposed the addition of the Evergreen Village and Elizabeth Park to Mount Pearl and submitted instead that the entire land mass from Kenmount Road to the present Paradise boundary be added to the Town of Paradise.

Other Objections.

The St. John's Board of Trade objected to the addition of Donovans Industrial Park to the Town of Mount Pearl and proposed instead that the Industrial Park, the Industrial Area at Torbay Airport, and other industrial parks that might be constructed in the St. John's Region from time to time be placed under the administration of an Industrial Parks Commission and that the net revenue should benefit the region as a whole.

The addition of the Donovans Industrial Park to the Town of Mount Pearl was opposed by: 1) the residents of Kilbride and Shea Heights on the grounds that the loss of revenue to the St. John's Metropolitan Area Board could result in a tax increase in the designated service areas; 2) the City of St. John's on the grounds that the net revenue from it would help pay the costs of extending to the areas added to the City; and 3) the St. John's

Metropolitan Area Board on the grounds that it needs the revenue to provide an acceptable level of municipal services in its serviced areas.

These objections will be dealt with in more detail in the summary of the submissions on the proposals for changing the boundaries of the City of St. John's and of the St. John's Metropolitan Area.

# CHAPTER VI

# THE TOWN OF WEDGEWOOD PARK BOUNDARIES

## The Existing Town

The existing town has an area of 40 hectares, which is almost entirely developed, with 325 single family dwellings and some commercial development fronting on Torbay Road. The population is about 1,500.

A petition recently circulated among the residents of the Town indicated 97.5% were against any form of annexation by St. John's. The Council stated that the residents' evaluation of annexation, using criteria prescribed by The Municipalities Feasibility Reports Regulations is that access of the people to their elected and appointed officials would be considerably lessened; the existing strongly felt identity of the community would be totally lost; the service capability of the City would be the same, if not decreased; and the efficiency attributed to the larger unit probably would not materialize due to increased bureaucracy.

## The Proposed Changes

The proposed boundary changes would add 20 hectares of largely undeveloped land on the east side of Torbay Road. This area contains four houses and a store fronting on Torbay Road and about 20 houses on Connemara Place and

Highland Drive. These 20 houses are an extension of the Wedgewood Park Development. The proposed addition is now a part of the St. John's Metropolitan Area.

The proposed changes would remove from the Town about 5 hectares of undeveloped land with no road frontage. It contains no population or buildings, and under the proposal would be added to the City of St. John's.

Existing Municipal Services

Piped water is supplied by the Town Council to all properties in the existing Town. This water is purchased from the City of St. John's. Piped sewers discharge to the Town Council's own sewage treatment plants. These plants have been operating unsatisfactorily and the sewers are to be connected to the City's system.

Street lights, garbage collection, street cleaning and snow clearing are provided by the Council.

Garbage disposal at Robin Hood Bay is owned and operated by City Council.

The Town has a swimming pool and recreation centre in the same building which also provides offices for the Council, a softball diamond and a children's playground. There is a full-time recreation director who reports to the Wedgewood Park Recreation Commission, which in turn reports to the Town Council.

The proposed added area receives the benefit of Provincial snow clearing and road maintenance on Torbay Road. Garbage

collection, water supply and sewage disposal are the responsibility of the property owners. The houses on Highland Drive and Connemara Drive receive the same services as the properties in Wedgewood Park by agreement between the Council and the St. John's Metropolitan Area Board.

No services are supplied in the area proposed for removal from the Town.

Fire and police protection are supplied by the Provincial Government to the whole area affected by the proposal.

Financial Position of Existing and Proposed Town.

In the existing Town the residential property tax is 7 mils, the commercial business tax is 33 mils, and the professional business tax is 28 mils on the appraised market value of the property.

Properties on Highland Drive and Connemara Drive pay taxes to the Town Council at the same rate as above. Residential properties on Torbay Road pay no local taxes. The store pays business tax to the St. John's Metropolitan Area Board.

Financial evidence submitted by Mr. Allston and the Town shows that the existing Town and the proposed Town would be self-supporting both now and in the foreseeable future. The projections are based on the present level of taxation by the Wedgewood Park Council, the construction of an additional

50-60 houses, the extension of the present level of services as required, and a contribution of $41,000. by the Council to the capital cost of the Penetanguishene Trunk Sewer and the Northeast Trunk Water Main. However, no provision is made for future charges or contributions which may be required for the operation of City or regional services such as water supply, trunk sewers, sewage treatment. solid waste disposal, or an urban bus system.

Council Alternative Boundary Proposals

The Town is pleased that the Minister recognized and respected the strong desire of the residents to remain as an identifiable, locally independent unit. However, the residents have expressed their disappointment in the extent of the proposed boundary expansion as this limited expansion provides little opportunity for the Town to grow and develop beyond its current size. The Council is of the opinion that to remain viable the Town must grow.

The Town Council submitted for reconsideration three proposals submitted to the Minister in March, 1980. The first is that the boundaries of Wedgewood Park be expanded to include East Meadows and an area west of Torbay Road to the southern limits of St. John's Airport, thereby enlarging the Town to about 758 hectares. The second is that the boundaries be expanded to include only that part of the area in Proposal One which lies east of the Torbay Road. This would enlarge the Town to 420 hectares. It would still

contain East Meadows. The third proposal is the same as the second except for the addition of the area known as Guzzwell Estates. Under this proposal, the Town would be enlarged to 446 hectares.

No evidence was given by the Council to indicate the impact of these proposals on either the short term or long term financial condition of the Town but Mr. Allston stated that if the Town were expanded as the Council proposed, the Town's share of the cost of the trunk water main would be about $5 million, and about $2 million more for the trunk sewer instead of the $41,000. contribution referred to above.

Ward System

The Council stated that if the boundaries were changed as proposed by the Minister, there would be no requirement for structural change in the Town.

Citizens' Representations

Mr. Len Williams, Mr. Gerry Lane, Mr. George Cole, Mr. Peter Shea, Mr. Lloyd Brown, and Mr. J. Wood all made statements supporting the proposal that Wedgewood Park remain a separate town. They said this is essential to preserve the community identity and the responsiveness of the Town Council to the wishes of the residents. Some of them felt that a separate Town would operate on lower taxes than a City.

The Honourable T.V. Hickey made a statement in which he said that if Wedgewood Park is to continue as a separate municipality its boundary should be extended to become a common one with the future municipality of Middle Cove - Outer Cove - Logy Bay. In his opinion, unless this is done, the Minister's proposed boundary for the Town is "A stay of execution" and not an assurance of continued status as a Town.

Representations of the City of St. John's.

The City pointed out that the proposed expansion of the City boundaries would take it well beyond the existing and proposed boundaries of Wedgewood Park, thereby creating a small island within the City boundaries. This, the City submitted, is unjustifiable on the basis of any sound boundary criteria. Furthermore, the continued existence of the Town, as an enclave within the City, would promote conflict amongst municipal units in the St. John's Urban Region. The Wedgewood Park water and sewer systems and garbage disposal rely highly on City services. Other City services such as the transit system and recreational facilities are used but no contributions are made for them or towards the cost to the City of providing municipal services to tax exempt property of churches, governments, the University, and others.

The City recognizes that the tax burden on residential property owners in the Town is less than it would be if they were included in the City and contends that this is due mainly to two reasons. The first is that the Town

receives Provincial assistance of approximately $107.00 per capita a year, while the City receives $34.00 per capita. The second is that the Town imposes a higher business assessment than the City.

Using the City's tax rates and assuming that assessed value of property is the same percentage of market value in both communities, the City stated it would raise $68,157. more than the Town Council from property and business taxes. As well, the City levies a water tax while the Town does not. This would amount to $12,800. a year.

In addition to this increase, the City estimates that it could provide the same services as the Town provides at present for approximately $100,000. less than it costs the Town, assuming all the Town's staff is absorbed by the City. Thus, the City could absorb the cost of phasing in the impact of the tax change on residential properties over a period of five years.

If a phase-in system for residential taxes is adopted such that residential ratepayers receive a credit for 80% of the difference between present taxes and St. John's taxes, the credit declining to 60% in the second year, 40% in the third year, 20% in the fourth year, and zero in the fifth year, the City would forego a revenue of $72,125. in the first year.

The City stated that any extension of the Town's boundaries beyond those proposed by the Minister would cause the City to suffer seriously and in any event, would be extremely unwise because it would encourage other fringe

subdivisions to demand that they be incorporated as separate municipalities with room to expand.

Mr. Allston said that St. John's would be viable under the present proposal. He also said that if new subdivisions in the Urban Core were created into separate municipal units, there would then be a need for an overall co-ordinating authority.

The Board of Trade Representations

The Board of Trade expressed disappointment that the Minister's proposal for changing the boundaries of the municipalities comprising the Urban Core contained no provision or attempt to move towards inclusion of Mount Pearl, Wedgewood Park and Kilbride in an extended City of St. John's as recommended in the Third and Final Report of the Henley Commission. It described the proposals for boundary changes as "an interim and short-sighted measure ... which may seem expedient at this time but will prove a major hinderance to the development of St. John's in the long term."

# CHAPTER VII

# CITY OF ST. JOHN'S BOUNDARIES

## The Proposed Boundaries of St. John's

As a result of the proposal, the City of St. John's would increase to 2½ times its present area, from 14.7 square miles (3,763 ha) to 38.2 square miles (9,779 ha). Population would increase by about 8%, from 86,600 to 93,800.

Specifically, the City would expand to the north and east to include all of the area between the present City boundary and a line running roughly from Sugarloaf Head to and along the south boundary of the Town of Torbay, excluding, however, the Town of Wedgewood Park. This area includes the airport and the East Meadows and Ann Jeanette's Trailer Court areas now serviced by Metro Board. To the north and west, the City would take in the area from the present boundary to the Windsor Lake and Broad Cove River Watersheds, as far as West Hills in the southwest. To the south, the City would expand to Spriggs Point on the east side of Freshwater Bay including Shea Heights. The City would not expand southwesterly but would abut the expanded Town of Mount Pearl in that direction. The Town of Wedgewood Park would continue, with a minor boundary adjustment, as an enclave within the City of St. John's. Mount Pearl would be

significantly increased in size, and would abut much of the southern and western boundary of the City. The community of Kilbride would remain unorganized under Metro Board.

In explaining the reasoning behind the proposed boundaries for St. John's, Mr. Allston stated that in 1977 and again in 1978 Bills to establish regional municipal government in the Northeast Avalon Urban Region had been introduced in the House of Assembly. Both pieces of draft legislation were withdrawn because after discussions with representatives of the municipalities in the Region and with representatives of Citizens' Groups the conclusion was drawn that Regional Government could not be satisfactorily established until necessary restructuring of the Urban Core had taken place. This restructuring involved both boundary changes and the removal of differentials in services and taxes. It is believed the Minister's proposals will achieve these aims. When the problems associated with the present boundaries and inequitable taxation have been dealt with, it is intended to approach the establishment of regional municipal government again.

During cross examination, Mr. Allston stated that the date on which Regional Government would be reconsidered could not be determined until the problems in the Urban Core have been resolved.

City of St. John's Counter Proposals: Major Issues

The St. John's Municipal Council introduced its submission with the statement that the Minister's proposal to

restructure municipal boundaries in the St. John's Urban Core is a significant forward step that will result in better local government for the people of the Region. But further changes are required and therefore in an effort to provide assistance in identifying the course of future action, Council engaged the services of a consultant experienced in determining municipal boundaries to prepare the City's observations and recommendations on the proposed boundary changes.

The City considers that there are three major areas of concern with the boundaries proposed by the Minister. These are the continued existence of the Town of Wedgewood Park; the failure to deal with the problem of Kilbride, which Metro Board will no longer be able to service for financial reasons; and the proposed allocation of Donovan's Industrial Park and the Topsail Road area to the Town of Mount Pearl.

The City's submission on Wedgewood Park is summarized above in Chapter VI.

Kilbride

Kilbride still contains a considerable area of agricultural land but it is coming to be more and more a suburban community reliant on the City for its employment base.

The St. John's Metropolitan Board, has only been able to provide a reasonable level of services in Kilbride because it has been able to divert surpluses from other areas under its jurisdiction, particularly Donovan's Industrial Park and

other businesses paying business tax to Metro Board but receiving no services directly from Metro Board. In 1979, according to the Metro Board's statements, the Kilbride deficit on general accounts was $76,079., 72.4% of total expenditures. The utility fund showed a deficit of $205,726., or 85.3% of total expenditures. The total deficit was $281,805. compared to total expenditures of $346,255. Metro Board will be unable to continue to fund this deficit, since it will be losing 87.8% of its total assessment under the government proposal, and 90% of its tax revenue. The total tax revenue remaining to Metro Board, assuming no change in rates, is less than the deficit of the Kilbride area, and only 72.4% of the total expenditures in Kilbride in 1979. It is obvious that Metro Board will be unable to provide the same level of services without increasing tax rates very significantly.

It seems highly unlikely that the area of Kilbride will be able to fund its own services. Taxes would have to increase a tremendous amount in this area in order to support current spending.

The foregoing figures are for the combined agricultural and urban areas of Kilbride. The City does not propose that the agricultural area be annexed to St. John's and submitted estimates that showed that if the urban area containing 1,771 dwellings and a population of 5,100 were annexed, servicing costs could be twice the revenue to be expected from the imposition of City taxes in the annexed area. The City submission respecting Kilbride was:

"Two points stand out very clearly. The first is that Metro Board will have enormous difficulties in servicing Kilbride area with the restricted revenue base left to it by the expansion proposal. The second is that whatever happens, residents of Kilbride must face very large increases in their present taxes. If they were to join the City of St. John's, increases would be in the neighbourhood of three and one-half times the present taxes. If they remain on their own, increases to fund the existing level of services, unless there is an extraordinary amount of support from the Province, will be much higher than joining the City. The City of St. John's is the only municipal unit in the region capable of absorbing the servicing costs for the area. However, even the City is not able to absorb the costs without substantial help from the Province."

But the need for Provincial help is conditional upon whether the Donovan's Industrial Park is annexed to Mount Pearl or St. John's.

Donovan's Industrial Park - Topsail Road Area

The City considers that Mount Pearl should absorb New Town and the areas to the south and west, but that the Donovan's Industrial Park, West Hills, Evergreen Village, Elizabeth Park and the balance of the Topsail Road areas are natural extensions to the City of St. John's and should be annexed to it rather than to Metro Board. Reasons advanced for this contention include:

1. In an urbanized area such as the St. John's Urban Region, watershed boundaries such as those proposed over Kenmount Hill are not significant for boundary purposes; a definable physical boundary, such as that provided by the Waterford River, is better.

2. Industrial development in Donovan's is dependent primarily on the City.

3. The City will require the additional assessment of the Donovan's Industrial Park if it is to assume responsibility for services in urban Kilbride. The alternative is transitional assistance from the Province amounting to several millions of dollars.

If it is determined that Donovan's should be annexed to Mount Pearl, the City would still be of the opinion that the West Hills - Topsail Road Area should be part of the City, because they are North of Waterford River and also because they constitute a continuation of a type of ribbon development within the City boundaries. One problem already exists with the boundary as drawn, in that the entrance to West Hills is shown within the City, whereas West Hills itself is outside.

Figures submitted by the City show that if Donovan's Industrial Park, West Hills, and the Topsail Road Area were to be included in the City, the estimated revenue at City tax rates would be $1,675,134., and expenditure $426,000. If Kilbride were included, revenue would be $2,364,542. and expenditure $1,701,500. Thus, it would be feasible for the City to take in the area North of the Waterford River and Kilbride.

City of St. John's Counter Proposals - Minor Issues

The City submitted the following minor objections to the proposed boundaries:

1. There may be difficulties because of split jurisdiction over the access to a few buildings in the neighbourhood of Sugarloaf Pond.

2. Along Highway 22, the Logy Bay Road, the boundary might perhaps be extended about 250 metres out for a short distance. This would help avoid split jurisdiction along part of Logy Bay Road.

3. In the same general area, where the boundary runs along Outer Cove Brook, there might be fewer problems if it was extended across to Island Pond, in spite of the advantages of the Brook as a defined physical feature. This would help avoid the problem of split jurisdiction on the Torbay Road, Highway 18.

4. There is a minor problem where the entrance to the West Hills Subdivision appears to be a City responsibility, whereas the whole of the West Hills Subdivision apart from the entrance has been allocated to Mount Pearl. While the City does not agree with this allocation, if it is not changed, the boundary in this area should be shifted slightly so that the entrance to the subdivision is under the jurisdiction of Mount Pearl. The Mount Pearl Town Council made the same point.

5. The boundary should probably run to the head of Deadman's Bay rather than to Spriggs Point if the area is to be developed. The present City boundary runs to South Head (Fort Amherst), and development of the area of Shea Heights has occurred straddling the boundary, creating a number of problems, such as assessment of properties in the wrong jurisdiction. This problem occurred partly because the boundary was not sufficiently well defined on the ground, and also because the principle of following property lines was disregarded in favour of a straight line. Future problems such as those can be avoided in this area.

6. In the same general area there is a problem where there appears to be split jurisdiction over certain roads, one road appearing to weave in and out of the City along the proposed boundary. This road should either be totally within or totally outside the City boundaries. The preferred solution would probably be to include the road in the City.

7. Proper definition of the boundaries will be required, and should be regarded as a priority, so that the problems referred to can be avoided, reducing conflict between jurisdictions and eliminating future problems to the extent possible.

Jurisdiction Over Watersheds

The City's position on the proposal to place the watersheds of Windsor Lake, Broad Cove River and Petty Harbour-Long Pond under the St. John's Metropolitan Area Board is given in Chapter VIII, which deals with the proposed Metropolitan boundaries.

Private Submissions on City Boundaries.

Pegagus Limited owns 11 hectares of land in the St. John's Metropolitan Area. It is located on Torbay Road north of the St. John's Airport between the proposed northern boundary and the existing southern boundary of the Town of Torbay. Pegagus proposed that its land be included in the expanded City in the hope that the City would include it into a comprehensive plan for the airport area, which under the Minister's proposal would be added to the City.

The land owned by Pegagus Ltd. is included in an area frozen for agricultural use and the Minister's proposal expressly excludes from the Urban Core land designated for agricultural use. The City agrees with the Minister on this.

The Cabot Development Corporation Limited owns about 55 hectares of land east of the Torbay Road. The major part is in the original proposed City expansion area but a significant part is located in the Agricultural Zone referred to above, and some of it is in the amended expansion area described in Chapter 3. The submission by Cabot did not specify the number of hectares in each part, merely outlining them on a map, but requested that the entire parcel be included in the City of St. John's. Reasons given for the request are that all except twelve hectares of the land can be serviced by the trunk sewer proposed to serve St. John's Airport; the portion zoned as Agricultural is not suitable for that purpose, and that only one municipality should have jurisdiction over the proposed development.

Representatives of the Eastern Farmers' Co-Operative Society Limited and of the Newfoundland Dairymen's Association appeared at the hearings and presented a joint brief in which both Organizations opposed the enlargement of any municipality until a properly planned Land Use Programme has been put into effect by the Provincial Government. The representatives stated that in the proposed boundary changes several farms that produced in the past and land with agricultural potential are being lost to urban expansion due to past mistakes in

planning and there is little that can be done now to save the land for agricultural use.

Mr. Edward Noonan and Mr. John A. Doyle, writing on behalf of themselves and other residents of Pine Line, objected to the amendment to the proposed St. John's boundary referred to in Chapter 3. They pointed out that the residents of Pine Line consider themselves to be in the Middle Cove - Outer Cove Area and are now discussing the creation of an incorporated community. In any event, the proposed amended boundary of St. John's in this vicinity is the centre of the Pine Line. If this were adopted for a municipal boundary, people on the opposite side of the road would be in different municipalities, which is not feasible.

## City's Position on the Ward System

If the extended City were to adopt the full ward system and the number of councillors were increased to ten, the base population of a ward would be 9,000 to 10,000 people per member. If a partial ward system were adopted with one-half of the Council being elected from wards, the number of people in each ward would be between 18,000 and 20,000. The entire population of the additional area does not approach this figure. More significantly, the various parts of the new area are widely separated from each other and do not have much in common. Thus, a ward system will not produce specific representation for the expansion area unless the principle of representation by population is violated.

A study of citizen attitudes on wards was carried out for the City by Newfoundland Municipal Consultants Ltd. This study showed that over one-half of the respondents favoured the full ward system. About one-quarter preferred the partial ward system, and an almost equal number favoured the present system of electing all members at large. About one-third of the respondents indicated they felt very strongly about the question. A few more felt moderately about it, 16.7% did not feel strongly, and 15% could not care less.

Based on all the foregoing, the City does not propose to establish the ward system but considers that the Council should be increased by two members to be elected at large.

Servicing Problems.

The City stated that the additional area proposed by Government can be serviced but owing to its size the potential cost is very high unless approached on a gradual basis over time with considerable financial assistance from the Province. Large parts of the expansion area are undeveloped and there is no immediate need for servicing in those parts.

Apart from Kenmount Road itself, there are no municipal services in the proposed expansion area lying northwest and west of the present City. Extension of a trunk sewer to this area is estimated to cost $2 million and an adequate municipal water supply would cost several million. Adequate transportation planning has been done for this area but

funding is a significant problem. Garbage can be disposed of at the City's Robin Hood Bay site but lack of cover material is a problem and the establishment of an incinerator is being considered.

Extensive planning of water and sewer services for the expansion area lying North and East of the present City has already taken place. Existing development in the area has been serviced by means of wells and septic tanks on site, the City water supply, and treatment plants in a number of combinations. It is anticipated that this existing development will be a significant problem for the City as a result.

Adequate transportation planning has been done for the area in question and the transportation problems are well documented. The ongoing study is Plansearch's St. John's Airport Environs Development Plan. The three existing arterial roads through the area, namely the Portugal Cove Road, the Torbay Road, and the Logy Bay Road are all substandard in whole or in part and require significant capital expenditures. Current improvements and construction being considered include the Penetanguishene Bypass, the East End Arterial, and the Outer Ring Road.

Garbage disposal presents the same problems as were noted with respect to the southwest expansion area.

Shea Heights is a small community located on the Southside Hills with access to the City via Blackhead Road. The servicing of this area is deficient in relation to normal servicing standards in the City of St. John's. There appears

to be major storm water infiltration of the local sanitary sewer system, and some years ago there was a problem with sewer mains freezing. An assessment of this area is required in order to more precisely define the servicing problems to be expected.

The City concludes that there are no servicing problems in the proposed expanded City that cannot be overcome if sufficient capital funds are made available. In this connection, substantial financial assistance from the Province will be required, particularly during the first five to seven years after implementation of the proposals, when the City will be required to cope with servicing problems in the expansion area related to existing development. New development, which could be expected to assist with the financial burden, will not be sufficient during this period, although the application of City standards and requirements to new developments will substantially reduce future servicing problems.

Financial Impact.

This section gives the City's estimate of the financial impact of adding the areas proposed by the Minister. The figures are derived from the 1981 budgets of the various municipalities in the areas and the City's own estimates.

Not only is the City's proposed property tax rate of 12 mils on assessed market value higher than the current rate of 6 mils imposed by the St. John's Metropolitan Area Board, but the current assessed value is a higher percentage of market value because the Metro assessment is based on 1975 values. The combined effect of these two factors produces 3.4 times as much revenue from residential properties. The other significant factor is that virtually no commercial property is subject to property tax in the Metro Area. As well, a considerable amount of property is not assessed. This is non-commercial property outside the designated service areas. On the other hand, the water tax in the City is $40. a year while the Metro Board charges $90. a year to those supplied with water.

Total revenue from the proposed expansion area of the City from taxes, grants in lieu of taxes, and Provincial Municipal grants is estimated to approximate $5 million. Total expenditures in the first year are approximately $4.4 million and in the second year, $5 million.

It is apparent that in the first year, St. John's would appear to gain perhaps $600,000. from the expansion. This gain would disappear in the second year. The expansion would tend to cost the City perhaps $600,000. in the third year. It seems likely that in the fourth year, and perhaps the fifth year, the expansion will once again reach equilibrium, with costs approximately equal to the revenues obtained from the area. If the City were to reserve the gain in the first year and apply it to the increased cost in the third year, the effect on the finances of the City would be substantially

neutralized. However, it would be expected that there would be some additional capital costs in the third year and again probably in the fourth year with which the City would require some assistance in order to protect the ratepayers of the Old City from unnecessary tax increases.

Capital expenditures in the new area are extremely difficult to forecast. The following Table represents an attempt based upon known projects, together with a reasoned estimate of the amount of assistance that can be made available from the Province of Newfoundland. What is projected is an annual cost of approximately three and one-quarter millions in capital, producing debt charges in the first or second year of about one million dollars, and this figure will increase by approximately half a million dollars a year to the end of the program. These capital expenditures create a net cost to the City in the third and perhaps fourth years after expansion. It is thought that new development will provide revenues to offset this in the fourth and fifth years after implementation.

TABLE C-3

CAPITAL EXPENDITURES

PROPOSED EXPANSION AREA

| | |
|---|---|
| Penetanguishene Water | 550,000 |
| Outer Ring Road | 61,480,000 |
| East-West Arterial | 12,000,000 |
| North-South Arterial | 14,500,000 |
| Penetanguishene By-Pass | 5,000,000 |
| Road Upgrading | 7,620,000 |
| Northeast Development Area Water | 6,542,000 |
| Service Improvements (5 years at $1,400,000.) | 7,000,000 |
| | 114,692,000 |
| Assume Government of Newfoundland pays for Outer Ring Road or project delayed beyond 5 years | 61,480,000 |
| | 53,212,000 |
| Assume Government of Newfoundland agrees to pay 75% of Crosstown Arterials and Penetanguishene By-Pass; 60% of road upgrading; 100% of Penetanguishene and Northeast Development Area water, and 25% of service improvements | 37,039,000 |
| | 16,173,000 |
| Annual Cost (5-year programme) | 3,234,600 |
| Year 1, Add Engineering & Works Equipment | 2,000,000 |
| | 5,234,600 |
| Year 1 Debt Charges at 17.5% of $5,234,600 | 916,055 |
| Year 2 Debt Charges (Add 17.5% of annual cost per year) (916,055 + .175 x 3,234,600) | 1,482,110 |

Taxation Impact

The impact of the tax rate and assessment increases would increase the combined property and water tax on the average house in East Meadows from $430. to $1201. In Shea Heights the corresponding figures are $164. and $294. The City stated that these increases come in part because the City Council receives proportionately less money from the Government than does Metro Board, and also because City residents pay for services which are free to expansion area residents. The Tax Incentive Grant to the City is 50¢ per $1 of property tax up to a property tax of $2 million, and 25¢ per $1 thereafter. In the Designated Service Areas, the Board receives 50¢ on the $1 but the City would only receive 25¢ on the $1, also, nearly one-third of the real property in the City is tax-exempt.

The City has adopted a phase-in formula to spread over the next five years the impact of introducing capital value assessments. The effect of this is to increase the property taxes on owner-occupied dwellings in five steps while at the same time reducing the tax on rented dwellings in like manner, thereby levelling the revenue. Because assessments in the Designated Service Areas are all on capital value now, owner-occupied and rented dwellings are taxed on the same basis so that the principle of phased-in tax levelling cannot be used. As a result, the City claims it would lose $2.8 million in revenue in the first year if it phased in the tax increases in the expansion areas.

The City stated:

> "This is an amount far beyond the City's capacity to carry. It would require a substantial increase in taxes on residents of St. John's. It is not equitable for residents of the City of St. John's to pay higher taxes in order that residents of the expansion area can pay lower taxes. In order to implement phase-in of the increased tax burden, as suggested, the City would require substantial funds from the Province of Newfoundland to make up for the lost revenues. These funds would be on a declining basis over the first four years, and would in effect, be similar to the transitional grants paid by governments in other provinces when there was a substantial re-alignment of municipal boundaries. Examples can be found in New Brunswick and Nova Scotia."

If taxes in the expansion areas were phased-in, the combined property and water tax on the average house in East Meadows would increase from $430. in five steps to $544., $708., $872., $1,047. and $1,201. The corresponding figures for Shea Heights are from $164. to $150., $186., $213., $249. and $294. All figures are based on constant assessed market value and mil rate.

Administrative Impact

The City submits that it has an adequate administrative capability to cope with the expansion of the boundaries with relatively little turmoil, and could also cope with a larger expansion that included Wedgewood Park, Kilbride, and the area North of Waterford River. The City considers that the co-ordination of municipal services and functions throughout the St. John's Urban Region would be improved were the changes in the proposed boundaries that the City suggests to be implemented. The City said this administration is cost

effective and has adopted appropriate tools to restrain unwarranted growth and expenditures, and could provide services for existing serviced areas at a lesser cost than the existing municipal units.

Implementation Procedures and Effective Date

The City endorsed the appointment of an administrative level Co-ordinating Committee to expedite administrative changes and allocation of assets and liabilities. In this latter connection, the City recommended the following:

> Where part only of a municipal unit is absorbed, and this could apply to the areas taken into the City and the two Towns from Metro Board, capital assets and related debts would be transferred to the new unit or the unit taking over responsibility for the area. Current payables and receivables would be retained by the former unit.
>
> Where the whole of a municipal unit is absorbed by another, as the City would propose in the case of the Town of Wedgewood Park, then all assets and liabilities whether current or capital are transferred to the new unit. In effect, the City would stand in place of the Town. For example, the recreation centre in Wedgewood Park would become an asset of the City of St. John's, and the staff working there would become employees of the City of St. John's.
>
> There should be no compensation for assets that are fully paid for.
>
> The boundary changes will have to be finalized in time for enumeration for the municipal elections in the fall.

It would be necessary that administration and taxation would remain in place until the end of this fiscal year.

Legislative protection for the current salaries, seniority and other benefits of Metro Board employees is desirable. The City of St. John's is prepared to absorb some of this staff.

The financial implementation date whould be January 1, 1982. There is a need for temporary authority for assessment, enumeration, and the holding of elections, at the earliest possible date. The new Council should take office on December 1, as provided in the City's Statute.

## Opposition to Proposed City Boundaries

### Airport Heights

Airport Heights is a settlement of about 1,500 people located between the City of St. John's and the St. John's Airport. It consists of several private subdivisions established over the past twenty years and some ribbon development along the Portugal Cove Road. The subdividers or individual property owners installed water systems supplied from wells and sewerage systems, connected to septic tanks and the residents are entering into individual contracts for garbage collection and disposal. Many have their own street lights. For these reasons, although it is an urban settlement in the St. John's Metropolitan Area, Airport Heights has not become a Designated Service Area. Consequently, no property tax is imposed by the St. John's Metropolitan Area Board but the business tax is collected.

In 1975 the settlement elected a Citizens' Committee which has been in existence ever since. In 1976 the residents petitioned to be established as a Community under the Community Councils Act but were denied. The Committee appeared at the public hearings on the proposed boundary changes and through its Chairman opposed annexation to the City of St. John's.

The reasons given for objecting to the proposed annexation include:

1. The residents are doing quite well on their own and want Airport Heights to be established as a separate municipality under The Municipalities Act.

2. The only services they would receive from the City for a considerable time would be garbage collection and street lights.

3. The taxes paid to the City Council would not be justified by the benefits received.

4. The proposal for boundary changes should have been accompanied by a timetable showing when full municipal services would be supplied and how taxes would be related to services.

5. It is inequitable to charge annexed areas full municipal taxes and phase in over five years property taxes on capital value for residents of the present City.

6. Accessibility of elected and appointed City officials would be less than of their own or Metro officials.

7. There would be a loss of community identity.

8. Residents have no ability to pay higher taxes.

The Committee stressed that the residents want their own separate municipality like the Town of Wedgewood Park; failing this, their second choice would be to remain as they are under the Metro Board, but if the settlement is included in St. John's against the wishes of the residents, a tax credit should be given existing residents. This credit should be an amount arrived at by multiplying the number of usable years left in each resident's present water and sewer system by the cost of the system or systems divided by the usual life of such systems. This tax credit would serve as a reserve from which any future taxes imposed on Airport Heights' residents by the St. John's City Council would be deducted. The Committee also argued that the option of hooking up with City systems must be offered existing residents and that there be no costs to existing residents until they take advantage of such systems.

East Meadows

East Meadows is a private residential development of 394 houses bounded in the South by the City of St. John's and in the North by the Town of Wedgewood Park. The development is fully serviced and is a Designated Service Area within the St. John's Metropolitan Area.

A Committee, elected for the purpose, appeared at the

public hearings on the proposed boundary changes and through their Chairman stated that the residents of East Meadows were outraged at the proposal to bring the subdivision into the City of St. John's. Reasons given for objecting to the proposal include:

1. The St. John's Metropolitan Area Board 1980 revenue from East Meadows, including Provincial grants, was $326,296. and 1980 expenditure was $317,911. The Citizens' Committee estimates that the St. John's City Council 1982 revenue including Provincial grants would be $841,125., and 1982 expenditures would be $378,360. The residents of East Meadows paid for the cost of water and sewer lines, sidewalks and/or curb and gutter, street lighting and road surfacing in the purchase price of their lots. They believe the surplus received by the City would subsidize such services for other taxpayers or pay for debt servicing in the City, and consider that this would unduly discriminate against them.

2. The Committee estimates the average tax burden in 1982 would be $1,333. per household, compared with $467. at present but the only increase in services would be the City Transit System through the sub-division.

3. Being outside the City, free school bussing is available. This is not provided for residents of the City.

4. There would be higher residential property taxes for residents of East Meadows than for residents of the existing City because the City Council intends to phase in over five years the change from rental value tax base to capital value tax base for present City property owners. Property owners in East Meadows are already taxed on capital value and

the City Council does not propose to phase in the increase from Metro taxes to City taxes. This is considered unfair discrimination.

5. The Urban Core should be viewed in its entirety. Until it is, and the Towns of Mount Pearl and Wedgewood Park are amalgamated with the others covered by the proposed boundary changes, the status quo should be maintained.

6. The City administration is inefficient according to what is read about it in the newspapers.

7. The Committee conducted a poll of 98.1% of the households and 98.6% of those polled were opposed to being annexed to the City.

The East Meadows Citizens' Committee denied the City argument that they receive the benefit of City services at no cost. The Committee maintained that the relationship between East Meadows and the City is symbiotic

Guzzwell Subdivision

Guzzwell Subdivision is a fully serviced private residential development located on the boundaries of the Town of Wedgewood Park, the City of St. John's, and the East Meadows Subdivision. It, like East Meadows, is located in the St. John's Metropolitan Area but is much smaller, containing about fifty houses.

The residents were represented at the hearings and submitted a Brief in which they opposed the expansion of St. John's to include the subdivision. The reasons for their opposition include:

1. All underground services and streets are paid for by homeowners over the duration of their mortgages.

2. There will be no increase in services to account for the large tax increase.

3. There should be no change until a proper regional government is set up, so that the whole Metro area will be affected and not just a few lucrative residential tax bases.

4. The tax increase of 241% estimated by the City of St. John's in its submission is exorbitant and is unjust as it is being implemented in full as of January 1, 1982.

Shea Heights

Shea Heights is a settlement of about 400 dwellings and 1,500 people on the Southside Hills overlooking St. John's. The present City boundaries include a small part of it; the proposed boundaries would enclose the whole settlement. The part outside the City is a Designated Service Area of the St. John's Metropolitan Area. In 1980 the revenue of the Board from Shea Heights was $99,433., which included $60,885. in Provincial Government grants. The 1980 expenditure was $218,809. Thus there was a deficit of $119,376. The 1979 deficit was $117,062.

The residents elected a Committee to explore, with assistance from the Extension Department of Memorial University of Newfoundland, the impact of the proposed City boundary

changes on Shea Heights. During the course of its research, the Committee was informed by officials of the Metro Board that it could not continue to offer the same level of services as in the past if the Donovan's Industrial Park were taken out of Metro's tax base.

After identifying the advantages and disadvantages of the proposed boundary changes, the Committee explained them at a public hearing attended by about 250 persons, and submitted three options:

1. Annexation of Shea Heights with the City of St. John's.

2. Retention of the status quo.

3. The establishment of Regional Government.

The option of Shea Heights forming its own Council was not discussed because of the weak tax base. One hundred per cent of those present voted to retain the status quo with Metro Board retaining the Donovan's Industrial tax base.

Reasons given for the decision are:

1. Since the Urban Renewal Scheme, which was commenced in 1968, Shea Heights has acquired a strong sense of Community pride and co-operation and has acquired the atmosphere of a Newfoundland outport which it wishes to retain but fears it would lose if it became a part of the City.

2. The people are scared that being taken over by St. John's would bring substantial tax increases, which they feel would be a financial burden beyond their means to pay at the present time.

3. The City Council has not met with the people to present either the Council's short or long term plans for the future development of Shea Heights.

St. John's Board of Trade

The St. John's Board of Trade, through its Vice-President rejected outright the proposed boundaries for the City of St. John's and instead urged that the recommendation of the Henley Commission be adopted. The Henley Commission recommended that the City be enlarged to include Shea Heights, Kilbride, Mount Pearl, New Town, Donovan's Industrial Park, part of the Town of Paradise, Airport Heights, Wedgewood Park, but exclude agricultural areas. The Board's Brief stated that the St. John's Urban Core has expanded and developed at a rapidly accelerating pace in the past decade; that onshore developments related to offshore oil and gas activities will further speed up the pace putting increased pressures on the existing structure; that the proposed boundary changes are an interim and short sighted measure which may seem expedient at this time but will prove a major hinderance to the development of St. John's in the long term; and that what is required now is an enlarged City that includes the entire Urban Core. In the Board of Trade's opinion, if decisive action is deferred now it will have no effect if taken later.

To ensure that community identity is preserved in an enlarged City, the Board of Trade recommended the adoption of a partial ward system.

Hand in hand with the enlarged City, the Board of Trade recommended the establishment of an Industrial Park Commission to administer the existing Donovan's Industrial Park and the Airport Industrial Park. The Commission would be responsible to the City Council. The membership would consist of equal numbers of businessmen and councillors and a representative of the Provincial Government, if desired. The object of the Commission would be to provide the necessary ingredients for the successful concentration of industry in the City and encourage industrial location through the provision of all physical services. The rate of taxation would be made uniform throughout the City and surplus revenue would be either used for expansion or added to general revenue of the City and used to provide services in areas that do not generate sufficient tax revenue to pay for the services provided. Such Commissions operate in the Cities of Dartmouth and Winnipeg.

The Board of Trade argued that neither representation on or taxation of such a Commission would be feasible under the Minister's proposals. The Board suggests that if the enlarged City is not established, the Donovan's Industrial Park should remain under the jurisdiction of the Metro Board and the surplus revenue from it be included in Metro's general revenue. Were Metro Board given jurisdiction over Industrial Parks, a Commission could be responsible to it as an interim measure pending the implementation of Regional Municipal Government.

City's Summation

In its summation at the end of the public hearings, the City representative stated that although it advocated in its brief an Urban Core consisting of the City of St. John's and the Town of Mount Pearl, the City favours one municipality for the entire Urban Core. Its reason for suggesting that The Town of Mount Pearl remain separate was in recognition of what it perceived to be the political realities of the situation.

The City representative also stated that the City does not favour the establishment of a two-tier system of regional municipal government for the Northeast Avalon. He pointed to the experience in Ontario and Manitoba where this system had been tried over the past ten years and had not worked satisfactorily, particularly where the region was dominated by one city. Instead of two-tier regional government, the City believes that a county type of regional government, similar to that in Nova Scotia and Prince Edward Island, would be better for the Northeast Avalon outside of the St. John's Urban Core.

# CHAPTER VIII

# THE ST. JOHN'S METROPOLITAN AREA

## 1. Introduction

The St. John's Metropolitan (Area) Act, passed in 1963, empowered the Lieutenant-Governor in Council to establish by Proclamation an area to be called the St. John's Metropolitan Area. The area may include any part of the region about the City of St. John's and the Town of Mount Pearl and must adjoin them but not include any part of them. The Lieutenant-Governor in Council was also empowered to appoint a Board to govern the area and the Board was given the powers and duties of a Board of Trustees of a Local Improvement District appointed under the Local Government Act then in force. The purpose of creating the area and the Board was to control unplanned sprawl in the outskirts of the City and Mount Pearl.

As a result of the St. John's Urban Region Study carried out jointly by the Federal and Provincial Governments in 1973, the Lieutenant-Governor in Council in 1976, pursuant to powers conferred by The Urban and Rural Planning Act, 1970, made a Regional Development Order prohibiting any development that is inconsistent with the Regional Plan approved by the Minister of Municipal Affairs for the St. John's Urban Region. This

Region consists roughly of the entire Northeast Avalon Peninsula north of and including Holyrood and Witless Bay. At about the same time, the St. John's Metropolitan Area was extended to cover all the St. John's Urban Region located outside the boundaries of municipalities in the Region. As additional municipalities were incorporated, the boundaries of the St. John's Metropolitan Area were changed to exclude them. Municipalities removed from the jurisdiction of the St. John's Metropolitan Area Board since 1976 are the Town of St. Phillips, St. Thomas, and Portugal Cove.

Also excluded from the St. John's Metropolitan Area are the unincorporated settlements of Foxtrap and Seal Cove. This is because it is hoped that they will amalgamate with the Town of Conception Bay South.

The result is that the St. John's Urban Region contains 16 municipalities and two unincorporated settlements that are not included in the St. John's Metropolitan Area. In the words of the Board's submission at the hearings:

> "This is an indication of the chaotic approach to municipal incorporation within the St. John's Urban Region.
>
> It would appear that the present proposals are still in the tradition of piecemeal and fragmented decision-making as certain municipal boundaries or incorporations are questionable to say the least and, secondly, are being considered prior to answering the overall question of regional government for the St. John's Urban Region or separate local municipal incorporations. Once this initial decision is made then the establishment of municipalities and their boundaries should occur."

## 2. The Proposed Boundary Changes

In brief, the Minister's proposed boundary changes would entirely remove the St. John's Urban Core from the St. John's Metropolitan Area and bring into the Area the watersheds of Windsor Lake, Broad Cove River, and Petty Harbour-Long Pond. These watersheds are now under the control of the City of St. John's but are not within the City boundaries although a part of the Broad Cove River Watershed is in the Town of Paradise.

Specifically, as noted in previous Chapters but repeated here so that this Chapter can be read without referring to others, the Town of Mount Pearl would be expanded to take in the serviced residential areas of New Town, West Hills, Kenmount Park, Evergreen Village, and Elizabeth Park; the serviced industrial area of Donovan's Park and the unserviced commercial corridor of Topsail Road. The Town of Wedgewood Park would be expanded to take in an insignificant area. The expanded City of St. John's would take in the residential areas of Shea Heights, Airport Heights, Ann-Jeanette Trailer Park, Glenvilla, Better Homes, Spruce Meadows, East Meadows, Ash Estate, Guzzwell Estate, and Coaker's Meadow, and the industrial lands in the White Hills and Airport areas.

Remaining under the jurisdiction of the St. John's Metropolitan Area Board there would be a fringe of unserviced settlements and subdivisions. The Communities include Bauline, Shoe Cove, Blackhead, Bay Bulls and Witless Bay. The subdivisions consist of Windsor Heights, Oliver's Pond, Downer and Shea, and Topsail Pond. Undeveloped land remaining under the

jurisdiction of the Board is primarily rural consisting mostly of areas designated for use as protected watersheds, agricultural uses and other uses ranging from conservation to rural industries. To these areas only very basic rural services are provided. But associated with the Watershed Protected Areas, the Board would continue to administer and operate the Regional Water Supply located at Bay Bulls Big Pond.

This foregoing role of the Board is in accord with the Minister's published proposals which state: The future function of the St. John's Metropolitan Area Board will be to control development within the otherwise unorganized areas of the St. John's Urban Region; to provide basic rural local government services to the residents of these areas; and to administer and operate the regional water supply system and such similar services that may be required in the future.

It must be noted that Kilbride, which is in the St. John's Metropolitan Area, is not mentioned in the foregoing. This is because it is not affected by the specific boundary changes but in the terms of reference given to the Commissioner, he is instructed to make recommendations regarding the future status of Kilbride. Furthermore, the City of St. John's urged that Kilbride be annexed to the City. Thus it will be necessary to consider the impact on the Metro Board of removing Kilbride, or at least the urban part of it, from the Board's jurisdiction.

3. Impact of the Proposed Boundary Changes

(a) Area and Population.

The area now under the jurisdiction of the Board is approximately 92,376 hectares. Under the proposed boundaries, approximately 7,280 hectares would be annexed to the City of St. John's, the Town of Mount Pearl, or the Town of Wedgewood Park, and 4,461 hectares of protected watersheds would be brought under the Board's jurisdiction.

If the urban use land in Kilbride were also removed from the Metro Area, it would be reduced by about a further 110 hectares. As Kilbride has no legal boundaries, it cannot be determined what the reduction in area would be if the rural part of Kilbride were excluded from the Metro Area, but the rural part is estimated to be 840 hectares.

The present population of the St. John's Metropolitan Area is approximately 23,970. Under the proposed boundary changes, approximately 12,935 would become citizens of the City, Mount Pearl, or Wedgewood Park, and about 528 residing in the Protected Watersheds Area would become residents of the Metro Area, thereby reducing its population from 23,970 to 11,563.

If the urban subdivisions of Kilbride were taken out of the Area, its population would be reduced by a further 2,450, and if the rural part of Kilbride were taken out also, the population of the area would be reduced by another 2,750, or a total of 5,200.

Thus, if the entire Urban Core were taken out of the Metro Area, it would have a population of about 9,100, while if all Kilbride were taken out, the reduced Metro Area would have a population of about 6,360.

(b) Services

Of the 285 km of Provincially maintained roads in the Metropolitan Area, 211 km would remain in the Area and 16 km in the Protected Watersheds would be added if the proposed boundary changes were made. Of the 45 km of road now maintained by the Board, 41.5 km would be in St. John's or Mount Pearl. The remaining 3.5 km are located in Kilbride.

With the exception of Kilbride, all areas presently being supplied by the Board with regular municipal services are located within the proposed Urban Core and as such will be transferred either to the City of St. John's or the Town of Mount Pearl, should the proposals be accepted.

Areas outside the Urban Core and Kilbride have no regular municipal water and sewer services and garbage collection is done either individually or through an agreement between a private contractor and the individual resident. However, the Board provides water by tanker or from wells to parts of Bay Bulls. Outside of Kilbride, snow clearing and road maintenance are undertaken by the Province.

A recreation program is operated by the Board through the Recreation Committee of the Kilbride Citizens' Committee, and as well in the Shea Heights Area.

Major cultural and institutional facilities are available within the City for residents of the Metro Area.

Policing is done entirely by the RCMP while fire protection is provided by the Province, generally from the City of St. John's.

Municipal services supplied by the Board in the Designated Service Areas which are relatively small and widely scattered, are performed by contractors selected by the Board after bids are called. The main services performed by the Board's workforces are planning, inspection, tax collection and administration. Thus its operation is quite unlike those of the City and the Town of Mount Pearl.

(c) Taxation

Taxes paid within the existing St. John's Metropolitan Area consist of the following:

| | |
|---|---|
| Property Tax | 6 mils |
| Business Tax | 19 mils |
| Residential Water and Sewer Rates | $ 90. per unit |
| Commercial Water and Sewer Rates | $115. per unit |
| Artesian Well Water & Sewer Rates | $144. per unit |

Based on the principle of paying for the provision of municipal services, the property tax is not in effect throughout the Metro Area since municipal services are not provided throughout the entire area. When an area is provided with urban services,

the area is designated as a Designated Service Area within which a property tax is levied and collected. Assessment of property and buildings are based on capital value and a rate of 6 mils is applied to the property.

Areas that do not receive full municipal services are not levied a residential property tax or a poll tax.

Business tax is applied to all businesses which locate within the Metro Area. Business assessments are also based on capital value with a mil rate of 19 applying to the property. Should the business be located within an area that is provided with municipal services then the mil rate applicable to that property would be a combination of a property tax of 6 mils and a business tax of 19 mils. Should a business locate in an unserviced area then a mil rate of 19 only applies.

Taxes collected by the Board from the Metro Area in 1980 amounted to $2,473,221.41. These included property, business and water and sewer taxes but not revenue from the Regional Water System.

Taxes 1980

| | Amount | % |
|---|---|---|
| Existing Metro Area | $2,473,221.41 | 100 |
| Proposed Mount Pearl Annexation | 1,056,328.21 | 42.7 |
| Proposed St. John's Annexation | 1,166,226.75 | 47.2 |
| Urban | 2,222,554.96 | 89.9 |
| Amended Metro Area | 250,666.45 | 10.1 |

(d) Financial

The foregoing figures do not include grants paid under the Municipal Grants Act Regulations. The total revenue for 1980 was $3,052,019. and total expenditure was $3,081,717., for a deficit of $29,658. The figures include a charge of $30,000. to the Regional Water System for general administration.

If the 1980 revenue and expenditure for the areas which the Minister proposes to add to St. John's and Mount Pearl were deducted from the Metro total revenue and expenditure, the result would be adjusted: 1980 revenue $850,289., and adjusted: 1980 expenditure $1,141,368., which would result in deficit of $291,079. If the figures were further adjusted by deducting the 1980 revenue and expenditure for the urban part of Kilbride, the Metro Board revenue would then be $325,651. and the corresponding expenditure would be $171,205., which would result in a surplus of $154,446.

In 1980 the Board had a surplus of $458,886. from the Donovans Industrial Park, and in 1979 the surplus was $373,049. The Board pointed out at the hearings that it utilizes the surplus to pay for services needed in other areas. The financial statements of the Board show that in 1980 the unserviced Metro Area produced a surplus of $330,012. in 1980, and of $497,278. in 1979.

The Board's salaries and general administrative expenses were allocated to the serviced and unserviced areas as well as to different classes of service in arriving at the above

figures. This is considered to be fair because the City and Mount Pearl have agreed to absorb the Metro staff involved with the areas and services taken over.

4. Objections to Proposed Changes

(a) Watersheds

The St. John's City Council objected to the Windsor Lake Watershed, the Petty Harbour Watershed and the Broad Cove River Watershed being put under the jurisdiction of the St. John's Metropolitan Area Board. It pointed out that under the City of St. John's Act it has a duty to, "cause a sufficient supply of pure and wholesome water to be conveyed to the City."[1] and claimed it would be unable to comply with this provision if water were provided to its citizens from a source or sources over which it no longer has control.

The Paradise Town Council objected to the Broad Cove River Watershed being added to the St. John's Metropolitan Area . The Council stated that some fifteen years ago land lying East of Paradise was frozen for use as a source of water for St. John's and a pumping system was installed to transfer water from the Broad Cove River Watershed to Windsor Lake, which was then the City's main water reservoir.

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[1] City of St. John's Act - Section 116.

Since then the Bay Bulls Big Pond Regional Water System has been installed and in any event, the Broad Cove River source was used only once and then for testing purposes. The Council representative submitted a copy of a letter dated May 17, 1977, from the Provincial Department of Consumer Affairs and Environment which stated in effect that in the light of the Bay Bulls Big Pond Water Supply there will be no need in the foreseeable future to pump water from the Broad Cove River to supplement supplies in Windsor Lake.

For these reasons the Paradise Town Council submitted that the status quo should be maintained "until the Broad Cove River Watershed Authority is revoked (and in the meantime, the watershed) would be held in trust for the people of Paradise while awaiting land use changes."

(b) St. John's Board of Trade

The St. John's Board of Trade objected to the transfer of New Town, Donovan's Industrial Park, West Hills, and unserviced land in the Metro Area to the Town of Mount Pearl and urged instead that the entire Urban Core within the Metro Area be added to the City of St. John's. If this is not done, the Board of Trade recommended that the Donovans Industrial Park remain under the jurisdiction of the Metro Board.

## 5. Submissions by Residents of the St. John's Metropolitan Area

### (a) Airport Heights

The Citizen's Committee of Airport Heights stated that their first choice is to have a separate municipality, but if this is not approved by Government, their second choice would be to remain under the Metro Board. The Chairman of the Committee stated:

> "Now, if for instance Metro Board put together a proposal in relation to the provision of minor services, garbage, for instance and street lighting and if our area residents were in agreement with this then this could certainly be arranged as a clear alternative to inclusion with the City."

### (b) East Meadows

The Citizens' Committee of East Meadows stated no changes should be made now in the St. John's Metropolitan Area mainly because a change would increase the tax burden in East Meadows and benefit St. John's. Before any change is made the fundamental concept of some form of Regional Government must be re-examined in order to ensure fair and equitable treatment of all communities in the urban area and until a Regional Government is established, provision should be made for electing representatives to the Board.

### (c) Guzzwell Subdivision

The representatives of the residents of Guzzwell

Subdivision attended the hearings and presented a petition signed by 59 persons who want to remain under the jurisdiction of the St. John's Metropolitan Area Board. They also presented a Brief giving reasons why the property owners are opposed to expansion of the City to include the subdivision. Their main reason for resisting annexation to St. John's is the greatly increased tax burden.

(d) Shea Heights

The Citizens' Committee of Shea Heights elected for the purpose, attended the hearing and stated the residents at a public hearing voted 100% in favour of maintaining the present Metro boundaries. They stated that the Metro Board provides satisfactory services and the people wish to continue under its jurisdiction but feel that the settlement should have representation on the Board either direct or through inclusion in an Area Ward. The Committee also had suggestions for a neighbourhood improvement programme to be carried out by the Metro Board.

Metro's Submissions on the Proposals.

Cost of Services.

The proposals for boundary changes will create strong demands from residents of the unserviced expansion areas of the City and of the Town of Mount Pearl to be adequately serviced with water sewers, paved roads, street lighting, and garbage collection. The residents cannot afford to pay

for these services and the cost will be beyond the financial resources of the Councils. Thus, unless the provision of local services in the expansion areas is properly controlled, the burden will fall on the Provincial taxpayer. Furthermore, extending services to areas outside the major urban centres will lead to a decrease in the demand for development within the urban centres. This is contrary to the St. John's Urban Region Regional Plan adopted in 1976, but it is not being adhered to now. This has led to un-cordinated allocation of funds and points to the need for an Authority to co-ordinate the provision of all municipal services in the Region.

The Board stated:

> "A massive amount of money in the order of $61,000,000.00 has been spent on regional services such as roads, water systems and sewerage systems alone. Another $67,000,000.00 has been spent on local roads and water and sewerage systems. It must be categorically stated that these amounts have been expended without a fully co-ordinated approach to the allocation. Granted there has been inter-department exchange between Municipal Affairs and Housing and the Department of Transportation and Communications and technical committee control on this spending; however, there has been no single authority or committee responsible and accountable for it as was so strongly recommended by The Henley Commission.
>
> To provide all of the municipal services recommended in the St. John's Urban Region Study, additional amounts in the order of $346,000,000.00 for regional roads, water and sewerage systems will have to be spent; aside from this amount local municipal areas will require funding in the order of $181,400,000.00 for municipal services construction.
>
> These figures clearly indicate a staggering amount totalling $527,400,000.00 is needed to satisfy the municipal service requirements of the St. John's Urban Region. It is the Board's view that the current trend of unco-ordinated allocation of funds must not continue. ..... The present proposals for amendments to the municipal structure do not go far enough in recognizing

> this need for co-ordination and simplicity. Nothing is proposed to encourage a change of attitude or approach to local government. The question of regional servicing is left unresolved."

In the opinion of the Board, to allow the proposed expansion to proceed in the absence of a regional co-ordinated approach to municipal services would be a bad decision.

The Board, in its Brief, went on to say that perhaps the Provincial Government did not intend the Board to be heavily involved in urban services but the Province did pass over certain urban areas to be serviced and administered, and the Board has shown that it can do this effectively and economically. In addition, the Board has taken a co-ordinated and integrated approach to the growth and economy of the Region as a whole and has applied this approach to the planning and servicing of the St. John's Metropolitan Area.

But, said the Board:

> "However, the same cannot be said for the Provincial approach to regional planning and servicing as major expenditures for services have been made in areas that have worked against the intent of the Regional Plan or any regional servicing policy that has been developed by the Department of Municipal Affairs. There is an apparent lack of a regional co-ordination of utilities, roads, watermains, sanitary and storm sewers in relation to regional land use and growth policies. It appears that the priorities given to the constuction and installation of services appears to be at odds with the regional growth strategy."

In the light of the foregoing, the Metro Board concluded it is not rational to decide upon municipal boundaries for

specific municipalities within the Region without addressing the fundamental issue of Regional Government and submitted that strengthening the political position of the City of St. John's or the Town of Mount Pearl may further delay or even prevent the introduction of Regional Government in the Northeast Avalon Area.

Nevertheless, the Board stated that continuing Wedgewood Park as a separate Town appears shortsighted in that the Town now receives all major services from either the City or the Metro Area. The proposal only slightly alters this arrangement in that the Town under the proposal would receive all major services from the City which surrounds it. This results in a duplication of administration and servicing functions. The Board submitted that a decision should be made to amalgamate the City and the Town of Wedgewood Park at this time rather than delay the decision and go through the cost of and expend energy on another set of hearings at a future date.

In the Board's opinion, the most cost efficient local government for the Urban Core is a two tier system in which the City and Town Councils which constitute the first tier, would provide administration and primary services within their boundaries, and the second tier, i.e., the Regional Council, would provide regional services. Unorganized areas in the Urban Core would be supplied with primary services by the Regional Council. Major industrial

areas would also be brought under the jurisdiction of the Regional Council and surplus revenue from such areas would be shared among the first tier municipalities under an agreed formula.

The Board's principal recommendations are:

1. It is recommended that prior to any municipal boundary or structural changes within the St. John's Urban Region taking place, the fundamental question of the future structural organization of the entire region should be decided. The alternative of a regional council or separate independent municipalities to administer local government functions for the region must be addressed.

2. In respect to the fundamental question of structural changes within the St. John's Urban Region, it is the firm recommendation that the creation of a Regional Government at this point in time is essential in order to adequately provide the necessary regional direction, planning, control and servicing that is required to handle existing growth and the anticipated future growth which will be greatly influenced by provincial resource development. The form of the recommended regional government would be such that it would give elected representation to all residents of the region and at the same time allow for some provincial representation.

3. In respect of the present role and framework of the Board, it is recommended that its administration form the basis of the organization that will become the Regional Government. At the present time the Board is an effective and efficient organization

that has the expertise and experience of both the regional and local levels and could very easily provide the basis of a regional government.

4. It is recommended that boundaries not be approved as proposed because of their premature nature in the absence of regional considerations.

# CHAPTER IX

## STATUS OF KILBRIDE

The terms of reference for this report call for recommendations regarding the future status of Kilbride. It was shown in Chapter VII that if the boundaries of the St. John's Metropolitan Area were changed as proposed by the Minister, thereby leaving Kilbride in the Metro Area, the Metro Board would have a deficit of more than $290,000. in 1980. Also, it will be recalled from Chapter VII that the St. John's City Council stated that Kilbride should become part of the City if the Council is given sufficient revenue from taxes paid in Donovan's Industrial Park to enable the City Council to provide adequate services to Kilbride without a substantial burden on the ratepayers of the City. In this chapter the submissions of the Citizens of Kilbride on the future status of the settlement are summarized.

The Kilbride Citizens' Committee was formed some eight years ago and participated in the public hearings of the Henley Commission on the St. John's Urban Region Study. Because of rumours that Kilbride would be annexed to the City of St. John's, the Committee sought assistance from the Extension Service of Memorial University of Newfoundland in collecting and analysing information needed to enable

the Committee to reach a conclusion on the issue. The Extension Service undertook the task and it was because its study was ongoing that the Minister made no proposals concerning the status of Kilbride in her announcement of January 16, 1981. The Citizens' Committee appeared at the hearings in March, 1981, on the Minister's proposed boundary changes and through its Chairman, Mr. Albert Burke, submitted a Brief and filed a copy of the report of the Extension Service. The Committee also filed excerpts from the Kilbride Development Scheme Review, 1980, by consultants, ARCO Ltd. and Karasek Ltd.. All three of these documents are drawn on as the source of the information that follows.

Boundaries of Kilbride

There are no legal boundaries for Kilbride. For the purposes of this report the boundaries used by the consultants for the Kilbride Development Scheme Review have been adopted. They are as follows:

| | |
|---|---|
| Northwest | Starting near Waterford Bridge, the boundary of the City of St. John's, thence following the Harbour Arterial Highway to the Ruby Line Interchange. |
| South | The centre of Ruby Line from the Harbour Arterial Overpass to Bay Bulls, with a straight line extension of Ruby Line to the Transmission Line just west of Petty Harbour Long Pond watershed system. Most of this portion of the boundary follows the northerly boundary of the Town of Goulds. |

| | |
|---|---|
| East | Along the said transmission line in a northeast direction to a point easterly from Waterford Bridge. |
| Northeast | On a line with no physical manifestation easterly from Waterford Bridge to the said transmission line. |

This perimeter is the same as that used by the Extension Service except that they used the Petty Harbour - Long Pond Watershed instead of the transmission line.

The area within this perimeter is almost 950 hectares. About 110 hectares of that is serviced and devoted to urban use. It includes Fost, Gregg Gardens, Greenview, and Mooney Crescent subdivisions as well as the serviced portion of the Bay Bulls Road. Another 510 hectares are in the Agricultural Development Control Area, within which developments are controlled by the Provincial Minister responsible for Agriculture under the provisions of the Development Areas (Lands) Act. This Agricultural Zone is mainly to the West of the Bay Bulls Road, part of which is serviced. Residential uses, plus a few commercial establishments, are estimated to total 25 hectares throughout the whole Agricultural Zone. This amounts to less than 5% of the total zone. Of the remaining 330 hectares within the perimeter, 110 hectares are classified as potential development areas on which an additional 1,200 dwellings may be built to house another 4,500 persons. The areas actually developed would depend upon the plans of developers and the requirements of the Municipal Authority exercising jurisdiction.

Those farm units that front onto the Bay Bulls Road where municipal water and sewer are available may, under the sons and daughters clause of the Agricultural Development Control Regulations, develop residential lots on a minimum lot size of 20 metres frontage by 30 metres depth for every 1.5 hectares of land within the family owned farm unit provided those lots front onto Bay Bulls Road and are connected to municipal water and sewer services.

Analysis of the sanitary sewer along Bay Bulls Road indicates that there is only limited unused capacity on it so that substantial new development on either side would require the installation of a new trunk sewer.

The Extension Service approached its task from the point of view that the Department of Municipal Affairs may be making decisions concerning the Urban Core which may or may not be in the best interests of smaller and more local communities within the Core. It set out, therefore, to objectively examine the advantages and disadvantages of the various options available to the residents of Kilbride so that they could provide input into the decision-making related to their area. By participating in the decision-making process, the citizens of Kilbride would be strongly committed to ensuring that their area develops to their best advantage.

The major options selected for consideration were:

1. Incorporation of the Kilbride Development Area as a Community or Town Council.

2. Annexation of the Kilbride Development Area to the City of St. John's (residential and agricultural areas)

3. Annexation of the Kilbride Development Area to the City of St. John's (residential areas only)

4. Retention of the status quo (under the St. John's Area Metroboard).

A fifth option - the establishment of a regional government with responsibility for Kilbride and other areas on the Avalon - was also given some consideration.

The advantages and disadvantages of these options were summarized as follows:

Establishment of the Kilbride Development Area as a Community or Town.

Advantages

1. Greater degree of autonomy in which the Council would have responsibility for, among others:
   - municipal planning
   - financial planning
   - property assessment
   - development control
   - taxation
   - capital works
   - development of local regulations.

2. Reinforcement of community identity and character.

3. People of Kilbride may receive satisfaction from the impression that they are democratically and directly determining the future of their community.

4. More concentration may be made exclusively on Kilbride issues than if they were governed by a larger less, local agency (community may be able to react better to localized needs).

5. Citizens of Kilbride would have more input into controlling its growth.

Disadvantages

1. The Kilbride Development Area has a very poor tax base. Consequently,

   the council would require large subsidies from the Provincial Government;

   the council would not receive sufficient revenue to meet its operating expenses;

   massive tax increases would be needed to fund basic services;

   only basic services could be provided as the community would not be able to afford appropriate planning, recreation and other social programmes;

   political interference would be increased;

   the administrative organization may be too small to meet development pressures and costs;

   municipal support and technical expertise to manage and administer Council function would be limited;

   the Council would have increased difficulty in dealing with larger developers.

2. Municipal plans may be very loosely followed as a result of personal considerations and influence entering into the decision-making process.

Annexation of the Residential and Agricultural Zones of the Kilbride Development Area to the City of St. John's.

Advantages

1. Improved service level:

   cost of providing these services would be offset by the larger service areas;

financial deficits of the community would be absorbed by the City tax base.

Disadvantages

1. No direct representation on Council unless a ward system was developed:

   in a ward system, if representation to the municipal council is based on a population or land area formula, the influence that Kilbride would have on Council decisions would be limited;

   danger of Kilbride being neglected;

   overall municipal policies may not address local needs.

2. Substantial increases in taxes for residents.

3. Promotion of residential and commercial development by City:

   increased population growth at higher densities;

   increased possibility of the conversion of rural environment to urban;

   increased danger of the Kilbride area becoming assimilated with the City of St. John's;

   possibility of increased pressure to rezone agriculture area.

Annexation of the Residential Zone of the Kilbride Development Area to the City of St. John's.

Advantages

1. Improved service level:

   costs of providing services would be offset by the larger service areas;

   financial deficits of the community would be absorbed by the City tax base.

2. Provide for more impartial decision-making concerning local development issues in Kilbride.

3. Structure would be more conducive to the protection and conservation of agricultural lands.

Disadvantages

1. No direct representation on Council or the Metro Board unless a ward system was developed:

   in a ward system, if representation to the municipal council is based on a population or land area formula, the influence that Kilbride would have on Council decisions would be limited;

   danger of Kilbride residential and agriculture areas being neglected;

   overall municipal policies may not address local needs.

2. Substantial increases in taxes for residential areas.

3. Promotion of residential and commercial development by City:

   increased population growth at higher densities;

   increased possibility of the escalated conversion of the rural environment to urban;

   increased danger of the residential section of Kilbride being assimilated with the City of St. John's;

   possibility of increased conflict between the Metro Board and the City over the long-term concerning fringe developments on agriculture zones.

4. A psychological division of the area traditionally known as Kilbride.

Retention of the Status Quo.
Continuing under the Jurisdiction of the St. John's Metropolitan Area Board.

Advantages

1. Lower level of taxation than that of other options:

   all funding for services would be provided by the Metro Board regardless of the amount of taxes collected;

   costs of providing essential services are reduced because of the larger service area and staff drawn upon as well as greater Provincial involvement in maintaining and providing these.

2. Indirect representation on the Board without the need to establish and pay the costs to employ a local municipal staff to administer the affairs of the community.

3. Larger degree of technical expertise in all aspects of municipal administration and management.

4. More impartial system for land development.

5. Metro Board would continue to work with existing committees in the area.

Disadvantages

1. Kilbride does not have direct representation on the Metro Board:

   overall municipal policies and requuirements may not adequately address the needs and desires of the community;

Metro Board is not directly responsible to Kilbride although decisions made, directly affect it;

the Kilbride area does not have its right to self-determination.

2. If commercial areas of the Metro Board are turned over to Mount Pearl and St. John's, funding for all Kilbride's needs may be a problem:

   limited level of services (basically in in the past, essential services have been provided only).

3. The Metro Board system may be perceived as being weak and amorphous:

   lack of political support (moral and financial)

   lack of direct representation from unincorporated areas;

   its future financial status may be in doubt.

Regional Government

Advantages

1. All essential services could be provided by the regional government regardless of the amount of taxes collected from the community.

2. The community could have direct representation on the regional council.

3. Relatively impartial system for land development.

4. Possible lower level of taxation than other options with exception of Metro Board.

5. Larger degree of technical staff.

6. Possibility of the reduction of political interference in zoning issues.

Disadvantages

1. Representation could possibly be based on land area or population formula.

2. Overall municipal policies and requirements may not adequately address needs and desires of the community.

3. Finances may seldom be allocated directly to specific projects in Kilbride.

The Extension Service noted that the advantages and disadvantages of Regional Government are more comprehensive and detailed than presented in its report, and that they were included for discussion purposes only and to introduce the concept to the Committee.

The Option Chosen by Kilbride

The Kilbride Citizens' Committee submitted the following recommendations during the hearings:

1. That Regional Government be set up for the government of that area which is now governed by the St. John's Metropolitan Board Area.. (This should be especially attractive since the present Metro Board structure is already in place).

2. That the present agricultural land freeze be continued. If the farmers wish to sell, Government should be willing to purchase the land to establish land banks and release it to farmers who are interested in continuing that way of life.

3. That no such projects such as the sanitary fill site for the Ruby Line be allowed to proceed and interfere with the farmland in that area.

4. That the Provincial Government exercise tighter control of the oil-related industries, especially with regard to the land situation in Kilbride area.

5. That farmers be given every available financial assistance to increase their productivity, e.g. land banks, subsidized machinery, freezer facilities and cold storage for vegetables, etc.

6. That Donovan's Industrial Park retain its present position rather than be assigned to Mount Pearl.

7. That the industrial land which is now under the Metro Board be a regional responsibility and the revenues be distributed per capita throughout the region.

8. That under the Regional Government a type of local community committee system be established to advise the Regional Government on local problems.

The reasons given for opposing annexation to the City of St. John's include:

1. The Committee believes that there would be rapid population growth over the next 5 years. Such growth is undesirable.

2. It is feared that the present level of services would decline.

3. There would be a loss of community identity.

4. Opposed to division of community into agricultural and urban zones.

5. The school bus service would be lost.

At the final session of the public hearings, the Committee submitted proposals on the structure, powers and duties of a Regional Council. It is considered that these issues are neither relevant or material to the subject of this report and therefore they are not summarized herein.

# CHAPTER X

## EVOLUTION OF THE CRITERIA

The criteria to be used for evaluating the boundary changes proposed by the Minister and the representations on and objections to these proposals are set out in Regulation 9 of The Municipalities Feasibility Reports Regulations. Before attempting to apply them however, it is helpful to review their origin and the purposes they were developed to serve.

As a result of its inquiry, the Royal Commission on Municipal Government in Newfoundland and Labrador found that the policy of the Provincial Government towards municipal government placed major emphasis upon incorporation as an end in itself without an appropriate provision for its consequences. This led to the incorporation of a large number of simple municipal units, "Even where more complex municipal structures were badly required, as in the St. John's Urban Region, they were not introduced." [1]

After an exhaustive survey of local government legislation, literature and experience in this Province, in the other Provinces of Canada, in the U.S.A., and in the United Kingdom, the Commission identified seven primary goals for local government and developed criteria for each that it

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[1] Royal Commission on Municipal Government in Newfoundland and Labrador (Whelan Commission) page 392.

used to evaluate the then existing municipal structure in Newfoundland. The goals and their corresponding criteria or standards were as follows:

1. Community identity
2. Structural simplicity
3. Representation
4. Access
5. Municipal services
6. Efficiency
7. Municipal self-reliance.

The Commission pointed out that the criteria identified above are inter-related and that success in achieving some of their values implies failure in achieving some others. To serve the ends of service and efficiency, it will probably be necessary to sacrifice some of the competing values in the goals of access, identity and simplicity. A high standard of efficiency and service may be achieved only through federal and/or provincial assistance and this would probably lead to considerable erosion of self-reliance and in local political representation. The Commission stated it knew of no formula that would assign a mathematically correct weight to these competing values but expressed the view that in practice a balance could be obtained among all these values by the exercise of practical judgments on individual circumstances.

The conclusion reached by the Commission as a result of its evaluation was that major changes in the direction of public policy respecting the incorporation of municipal units are required. One change recommended was to discontinue the policy of promoting the incorporation of municipalities as an end in itself. A second was to repeal the "local option"

feature of the Local Government Act which required local petitions and plebiscites as indicators of community consensus before an order to incorporate could be made by the Lieutenant-Governor in Council. The Commission considered that a continuation of this provision would place in jeopardy the use of the criteria referred to above. Accordingly, the Commission recommended that legislation be enacted requiring the completion and study of a feasibility report as a condition precedent to an Order of the Lieutenant-Governor in Council to (a) incorporate a municipality; (b) terminate and re-incorporate a municipality; and, (c) alter the boundaries, amalgamate or dissolve a municipality.

The Government adopted these recommendations, enacted the necessary legislation, and made the supporting regulations. Indeed, Government went further than the Commission recommended and in The Municipalities Feasibility Reports Regulations prescribed an additional seven criteria. They are:

1. Suitability
2. Physical constraints
3. Equity
4. Response
5. Equality
6. Co-ordination
7. Acceptability.

It is clear therefore that Government has made a genuine effort to reconcile local interests and needs with the broad provincial interest in achieving and maintaining a stronger and more self-reliant system of local government in Newfoundland for the future.

It is in this context that the criteria are interpreted in the next chapter.

# CHAPTER XI

## INTERPRETATION OF THE CRITERIA

The access criterion in the Regulations refers to the degree to which people can communicate with elected and appointed officials. However, it also includes the level of opportunity afforded citizens to participate in local affairs by enabling them to vote, to contest elections, to accept municipal appointments on special committees and commissions, to attend council meetings, and to develop an interest in and a responsibility towards local questions.

The representation criteria in the Regulations refers to the degree to which it is proportional to population. This criterion relates also however to the quality of local leadership and the degree to which the members of council are representative of the population of the community.

The community identity criterion is not defined in the Regulations. It concerns itself with the degree to which municipal government promotes and preserves the sense of community identity.

The suitability and physical constraints criteria are concerned with the difficulties likely to be encountered in providing municipal services in a community. This report is concerned with an urban core for which trunk water and sewer services are already planned and partially installed.

The administrative capability criterion is not defined in the Regulations. It refers to the capacity of the affected

municipal units, largely though not exclusively through their administrative apparatus and performance levels to provide the required services and facilities.

The co-ordination criterion refers to the degree to which the affected municipalities can co-ordinate their municipal services and functions with the other municipalities in the St. John's Urban Core.

The cost efficiency criterion as defined in the Regulations relates to the cost of the administrative structure proposed for a municipal unit in relation to the scale of services required by the tax payers. This is an important criterion in determining the feasibility of establishing an area as a municipality. In this report, however, we are concerned with the feasibility of transferring an area from one municipality to another and therefore a more useful efficiency criterion is the relative ability of the existing and proposed municipalities to provide more facilities or to deliver more and better services per given unit cost or to provide existing services and facilities at a lower unit cost. Another useful concept of cost efficiency is the degree to which the total costs of municipal services provided in common to the residents of the service area are distributed to those who benefit from the services. This is also an important criterion for the purposes of this report.

The feasibility criterion is defined in the Regulations in terms of revenues and expenditures. This is interpreted to mean the degree to which local revenues meet local expenditures.

That is the degree of self reliance. This criterion could also refer to the degree to which the revenue sources are both available and suitable for use in the urban core but this is considered to be outside the terms of reference for this report.

The equity criterion is defined in the Regulations in terms of both the taxpayers' ability to pay and the benefits he receives. The ability to pay standard relates the tax liability to the taxpayer's ability to pay. The benefits received standard relate taxes paid to the services received. Combined, they could be taken to mean the degree to which taxpayers can afford the proposed services. Here again, this is a useful criterion to use in determining the feasibility of establishing a municipality. But as we are concerned with transferring areas from one municipality to another, we interpret the equity criterion in terms of the liability of taxpayers and the benefits received.

The response criterion refers to the degree to which the revenue from taxes varies with changes in economic activity. This criterion would be important if the revenue system for a new municipality were being designed but it is not relevant for the purposes of this report.

The equality criterion relates to the degree to which adjoining municipalities provide a uniform standard of services considering different needs and revenue sources. For the purposes of this report, the criterion refers to the degree to which taxes, provincial grants, and municipal services are uniform throughout the Urban Core.

The simplicity criterion reflects the need to keep local government structures simple, direct and as understandable to the citizens as possible.

The acceptability criterion concerns itself with the degree to which the proposed boundary changes meet with the approval of the citizens affected by them. It thus becomes one of the factors to be considered instead of the controlling factor.

# CHAPTER XII

# EVALUATION OF THE PROPOSAL

## Access

If the boundary changes proposed by the Minister were implemented, approximately 7,200 residents of the St. John's Metropolitan Area would communicate with elected and appointed officials of the City of St. John's, and about 5,300 would communicate with elected and appointed officials of the Town of Mount Pearl instead of with the appointed officials of the St. John's Metropolitan Area Board. The three municipal offices are located within the Urban Core and all are on the same toll free telephone system.

In addition, access is readily available through radio and television and it is two-way access between municipal officials and individual citizens or public interest groups. The proposed boundary changes would not adversely affect this avenue of communication.

The ideal municipal unit is one not so huge as to reduce participation to voting, or so small that its activities are trivial. Many political scientists believe 100,000 is the ideal size, and the proposed City of St. John's would be just short of this population.

In my opinion, the degree to which people in the Urban Core can communicate with elected and appointed officials

and participate in local affairs, is appreciably improved by the proposals. They enable adult residents of the areas added to the City of St. John's and the Town of Mount Pearl to vote in and contest municipal elections, accept appointments on municipal commissions, and generally develop a responsibility towards local questions. As residents of the St. John's Metropolitan Area, they have none of these rights.

Representation

The City of St. John's has a population of 86,600 and a Council consisting of a Mayor and eight Councillors. Under the proposal, the population would increase to 93,800, thereby dropping the representation from one member for every 9,600 to about one per every 10,400. To maintain the existing ratio, it would be necessary to increase the number of councillors to nine. The Council recommends that the number be increased to ten councillors because the area of the proposed City would be 2.5 times the present size and because it is desired to maintain the present relationship of an even number of councillors and a Mayor.

The Town of Mount Pearl has a population of approximately 12,000 and a Council consisting of six councillors and a Mayor. Under the proposal, the population would increase to about 18,600, thereby dropping the representation from one member for every 1,700 to about one for every 2,660. The Council did not recommend an increase in the number of

councillors but requested that if the number is increased, it be eight in order to maintain an even number.

The population in The Town of Wedgewood Park would be increased from about 1,300 to 1,500 if the proposed boundary changes were implemented. Council consists of a Mayor and six councillors. Thus there would be one member for every 215 citizens.

The St. John's Metropolitan Area has a present population of about 23,600, and a Board consisting of a Chairman and eight other members, all of whom are appointed by the Lieutenant-Governor in Council. If the proposed boundary changes were implemented, the population would be reduced to about 11,100, thereby increasing representation from one member for every 2,620 to one member for every 1,230 residents.

It is obvious that the proposed changes would not affect representation in the Town of Wedgewood Park, would double representation in the St. John's Metropolitan Area, and would reduce it in Mount Pearl and St. John's unless the number of councillors is increased. It is equally obvious that the proposal increases the wide disparity in representation now existing in the Urban Core. Even with two more members on the St. John's City Council, the representation would be one member for 8,500 persons, compared with one for 2,660 in Mount Pearl; one for 1,230 in the Metro Area; and one for 215 persons or about every 56 families in Wedgewood Park. In my opinion, one representative for every 56 families approaches the ridiculous, in the Urban Core.

There is no practical way in which representation in accordance with the distribution of population throughout the Urban Core can approach equality at the municipal level as long as the Core is fragmented in the present manner. In order to improve the situation somewhat, it is recommended that the number of councillors on the St. John's City Council be increased to ten.

Representation in accordance with the distribution of population within the municipalities, that is by wards, will be dealt with later.

The proposals do not affect the quality of leadership or the degree to which the members of Councils in the Urban Core are representative of the populations therein.

Community Identity

Apart from the Citizens' Committee of Kilbride and the Town of Wedgewood Park, whose submissions will be dealt with later under "Alternative Approaches and Options to the Proposal", representatives of Shea Heights and Airport Heights were the only ones to raise the issue of Community Identity. This is not surprising because the others have chosen city style life for social and economic reasons and live in sub-divisions that for the most part are ten years old or less. The representatives of Airport Heights and Shea Heights however, demonstrated more interest in the impact of the proposed boundary changes on local services and taxes than they did

on Community Identity, and I concluded that while their argument on Community Identity had an element of truth in it, it does not add up to convincing evidence that loss of Community Identity is a significant factor in their case. And this is all the more so in the light of the fact that neither is in an incorporated municipality.

My conclusion is, therefore, that implementation of the primary proposal may result in some loss of Community Identity to Airport Heights and to Shea Heights over time; but this is not a significant criterion in evaluating the effects of the Minister's proposal.

Suitability

The suitability and need of the area for municipal servicing are not relevant criteria in this case because the area is already contained in four municipalities and trunk water and sewer services are already installed in or committed for practically the whole Urban Core.

Physical Constraints

The only physical constraint of any relevance in this case is the fact municipal services to the areas affected by the proposal are supplied through trunk water and sewer mains owned and/or operated and maintained by either the City of St. John's or the Town of Mount Pearl. The St.

John's Metropolitan Area Board cannot serve its Designated Service Areas except through either the City or the Town of Mount Pearl and it cannot dispose of its sewage or garbage except through facilities owned and operated by the City. Thus, municipal services to the Urban Core require City administration.

Administrative Capability

While it is true that most decisions taken by municipal councils are on specific questions, which at the Provincial level would be decided by administrators, it is wrong to think that local self government involves only administration. It is also a valuable institution for the political education of citizens. It is for this reason that local government has been called "The Cradle of Democracy". The proposed boundary changes undoubtedly add to the administrative responsibilities of the City of St. John's and the Town of Mount Pearl for providing services and facilities, but the proposal also adds to the responsibility of both municipalities to further the political education of the citizens residing in the St. John's Metropolitan Area who have no elected municipal representatives now.

In my opinion both the St. John's City Council and the Mount Pearl Town Council have the administration capacity to provide the additional required services and facilities and extend the election of councillors to the proposed expansion areas.

Co-ordination

There is no evidence or arguments adduced at the hearings to show that the proposal would have any effect on the degree of co-ordination existing among the four municipalities functioning in the Urban Core, and I can point to no reason why there is a likelihood of change because it appears that the major co-ordinating agency at present is the Department of Municipal Affairs. Argument was presented to show that co-ordination would be improved if Regional Government were established or if the City's proposals were adopted. These alternatives will be discussed below under the heading of "Alternative Approaches".

Cost Efficiency

The Regulations call for an evaluation of the proposal relative to the cost efficiency of the type of administration proposed for the scale of services required. There is no proposed change in the present type of administration or in the existing scale of services. Of course, the existing scale will have to be extended to the expansion areas as required. What the proposal would do is increase the population and area placed under the administration of the St. John's City Council and the Mount Pearl Town Council, and reduce the population under the jurisdiction of the St. John's Metropolitan Area Board. The proposal would have no effect on the Wedgewood Park Council as no significant changes are proposed in the population or area under its jurisdiction.

Both the St. John's and the Mount Pearl Councils indicated they are prepared to absorb into their existing administration surplus staff of the St. John's Metropolitan Board to the extent required. In my opinion these staff transfers, which are being negotiated by the Co-ordinating Committee appointed for the purpose by the Minister, will have no identifiable effect on the cost efficiency of the administration of either the City or the Town of Mount Pearl. There is no firm basis however on which to judge the effect of the proposed boundary changes on the cost efficiency of the St. John's Metropolitan Area Board. The future functions of the Board are stated on page 11 of this Report, but no information is available on either the number of employees required to carry out these functions or the number to be absorbed by the expanded municipalities.

Two other concepts of cost efficiency are relevant to the Minister's proposal. The first is technical efficiency, which refers to the output of services for which the unit cost is least. It is often assumed that large municipalities are able to achieve economies of scale because of their size. Students of municipal administration maintain however that there are no significant economies of scale for municipalities over 50,000 population except in the case of water and sewer services, and garbage disposal. Trunk water and sewer services are already integrated mainly through the Department of Municipal Affairs and the City of St. John's is already providing joint garbage disposal for which it charges a fee to the other municipalities in the Urban Core.

The City submitted evidence to show that its total operating costs in 1980 were $221. per capita, compared with $219. for

Mount Pearl and $217. for Wedgewood Park. In the absence of a detailed analysis of comparative services, the figures tend to show no difference in technical efficiency due to size.

The St. John's Metropolitan Area Board, on the other hand, claimed it can provide services cheaper than the City by awarding contracts for individual services rendered to the various Designated Service Areas, which the Minister proposes to add to the City and Mount Pearl. This claim was not refuted by the City or the Town of Mount Pearl and neither of them produced evidence to show that their unit costs would be reduced as a result of the proposed expansions.

The second other concept of cost efficiency is economic efficiency. This refers to the degree to which a municipality incorporates both those who pay for the services provided and those who benefit from such services. Efficient allocation of financial resources requires that the total cost of services be distributed to those who benefit. At present, benefits paid for by the taxpayers in the City spill over to citizens of the adjoining municipalities in the Urban Core. Examples given were the City transportation system and recreation programme, and tax free services supplied by the City to government, health and educational institutions, which serve the convenience of and confer economic benefits on all the residents of the Urban Core as well as on residents of the City. There is also a spillover of benefits to the City. I will be returning to this subject again under the heading of "Equality".

I have concluded from the evidence and argument that the Minister's proposal will have minimal effect on the cost efficiency of administration or on the unit cost of providing services, but I believe it would significantly improve the efficiency with which the costs of services are distributed to those who benefit from such services.

Feasibility

I have interpreted feasibility to mean the degree of self reliance of the resulting municipal units in the Urban Core if the Minister's proposals were implemented. All the units now rely heavily on both Federal and Provincial Governments to supply funds for the solution of most urban core problems. Funds received from the Federal Government are usually in the form of contributions towards capital projects which are cost shared among the three levels of government. The Province supplies funds for both capital projects and current expenditures. The latter are paid pursuant to the Municipal Grants Regulations and in kind. The City of St. John's is the most self reliant of the four municipalities that now provide services in the Urban Core.

The proposal would exclude all of the St. John's Metropolitan Area except Kilbride from the Urban Core. As explained on page 75, this would have caused a deficit of $291,079. for the Metro Board in 1980. On the other hand, if the urban part of Kilbride were also excluded from the Metro Area, the Board would have had a surplus of $154,446. in 1980.

The proposal would have no effect on the revenue or expenditure of the Town of Wedgewood Park because the changes in area and population are insignificant.

The proposal would produce a comfortable surplus for the Town of Mount Pearl due mainly to the acquisition of the Donovans Industrial Park. The surplus would provide security for the capital funds required to extend services to the Town's unserved expansion area as required by future development.

As explained on pages 51 and 52 of this report, the effect of the proposal on the City of St. John's would be to produce fluctuating deficits and surpluses in the order of $600,000. a year for the first five years after the proposal is implemented. These do not take into account capital costs in years three and four. Neither do the estimated deficits and surpluses make any provision for phasing in the difference between City property taxes and current property taxes in the Metro Area to correspond with the decision to phase in increases in property taxes on owner-occupied dwellings in the City as a result of the City having changed its taxation base from rental to capital value. If property tax increases resulting from annexation to the City were phased in for property owners in the expansion area in the same manner as tax increases due to change in the taxation base are being phased in for present City dwellers, the City claims it would lose $2.8 million in revenue in the first year. As the increase is phased in, the loss would decline and disappear after five years.

While property owners in the areas annexed to the Town of Mount Pearl will also pay higher tax rates than now, as explained

on page 25, both the Town and the Metro Board are using a capital value taxation base and hence the problem caused by phasing in the capital value base does not arise.

The phasing in problem aside, an explanation is required for the fact that the proposal would result in substantial tax increases for residents of the areas annexed to the City of St. John's, particularly in the light of the fact that there is no identifiable difference in the cost of providing services after the proposal is implemented, and the additional fact that over the first five years, revenue received would barely cover the cost of current services. The explanation in the main is that under the Municipal Grants Regulations, the City qualifies for tax incentive grants at a rate less than that paid to the Metro Board, and the City would be required to assume responsibility for the maintenance of a substantial road mileage which at present is maintained by the Department of Transportation and Communications. It follows therefore, that the proposal would have the effect of reducing Provincial expenditures.

Equality

There is no evidence to show that there are identifiable differences in age, income, social class or mobility between those living in the Urban Core. The only significant difference in the service standards of the four municipalities for services provided in the Urban Core is that the Metro Board has no recreational programme. It does, of course,

have different service standards for those who reside outside its serviced areas. To the extent to which the proposal would bring unserviced parts to the Metro Area into the City of St. John's and the Town of Mount Pearl, residents of these parts will not for a time have the same standard of services as that enjoyed by present residents of the City and Town. There is, however, a wide difference in taxes. The difference arises not only from the formula for the Tax Incentive Grants or from the fact that the City of St. John's pays 90% of the cost of the St. John's Fire Department while the other municipalities in the Urban Core receive fire protection free, but also because practically all tax exempt government, health and major education institutions are located in the City. Justification for granting such institutions exemption from municipal taxes lies in the fact that over and above the services they provide, they also offer conveniences and economic advantages to the residents of the municipalities in which they are located and it is considered just and fair that those residents should compensate for these benefits by furnishing free municipal services. As a result, municipal taxes are higher where such institutions are located than they are in municipalities which do not possess equal benefits. This has the effect of transferring income from the pockets of the City dwellers to the pockets of the suburban dwellers

For example, the conveniences and economic advantages conveyed by The Medical Health Centre, Memorial University, Confederation Building, and the College of Trades and Technology, are obvious. But these benefits are enjoyed by the residents of the whole Urban Core, while only property owners in the City

provide free municipal services to these institutions.

Another example of inequality is the provision of free school bus services to the serviced areas beyond the City limits. People believe they will lose this service if the City is extended.

Equity:

Because there is no evidence to show that the income levels in the four municipalities are different, in my opinion the proposal would have no effect on the ability of taxpayers to pay for the benefits they would receive. In terms of the liability to pay taxes and the benefits received, I believe that the proposed boundaries would be more equitable than the existing boundaries. To the extent however that it is proposed to bring into the City of St. John's and the Town of Mount Pearl, property owners who have installed wells and septic tanks, the proposals would cause inequities if they and others served by municipal water and sewer systems are liable for the same taxes. I will return to this issue in my recommendations.

Response of Tax Yields:

No change is proposed in the municipal taxation system and consequently the response of tax yields to changes in economic activity will not be affected.

Simplicity:

One effect of the Minister's proposals would be to reduce the number of municipalities having jurisdiction in the Urban Core from four to three. To this extent, the proposed structure is simpler than at present.

Acceptability:

The boundary proposals are acceptable to the Town of Mount Pearl subject to five minor modifications. The City of St. John's stated that the proposed boundaries are a significant forward step towards better local government in the Urban Core but submitted three major objections and six minor boundary adjustments. The Town of Wedgewood Park expressed pleasure that under the proposal it would continue as a separate municipal unit but argued that it must be allowed to expand in accordance with its request if it is to remain a self reliant town. The proposal was described as merely a'stay of execution' by one of the Town's witnesses. The St. John's Metropolitan Area Board approved that part of the proposal which brought three watersheds under its jurisdiction but rejected the proposed annexation of parts of its Area to the City of St. John's and the Town of Mount Pearl. Residents of these parts, with the

exception of Elizabeth Park, Evergreen Village, West Hills and Topsail Road, through their Citizens' Committees, submitted opposition to being brought into the City or the Town of Mount Pearl. The Town of Paradise opposed the addition of Evergreen Village and Elizabeth Park to the Town of Mount Pearl and the addition of part of the Broad Cove River Watershed to the St. John's Metropolitan Area Board. Residents of the Pine Line Road objected to the extension of the St. John's boundaries to include them.

The details of the foregoing objections and submissions and the reasons for them, are given in the preceeding chapters.

The view that individuals should be free to make decisions which affect themselves is widely held. The view can be substained however, only if the rights of others are not affected. For obvious reasons, citizens cannot be allowed to decide the speed at which they drive. More to the present point, they cannot be allowed to build a house of their own design on a lot of their choice, because this would be unjust to others. The reasons for an urban core are investment and employment. The costs involved in creating and maintaining it should be shared as equitably as possible among those who live and work in it, and the boundaries of it must be established to link the physical planning area with the economic planning area. This leaves little scope for individuals or indeed neighourhoods to decide the physical boundaries of the Core or its municipal divisions.

# CHAPTER XIII

## ALTERNATIVE APPROACHES AND OPTIONS

Many approaches and options were submitted during the hearings. They are described in the preceeding Chapters and there is no need to repeat what is stated there. It is necessary to list them however, in order to express an opinion on them.

The residents of Airport Heights wish to be incorpro-ated as a separate municipality like the Town of Wedgewood Park. This would be counter to the ideal solution which most agree is one municipal unit for the St. John's Urban Core. In my opinion, Government made the right decision when it refused to incorporate Airport Heights as a separate Community in 1976.

An opinion submitted by residents of the majority of the serviced areas of the Metropolitan Area and supported by Airport Heights as a second choice, is to maintain the status quo except for electing the members of the St. John's Metro-politan Area Board. This would not only consolidate the Board as a fourth municipal council in the Urban Core but it would have the effect of executing a "pincers movement" around the City of St. John's and the Town of Mount Pearl. In my opinion, this option would further weaken local government in the Urban Core and does not merit serious consideration.

The enlargement of the Town of Wedgewood Park would not be so detrimental as maintaining the status quo but it would

frustrate efforts to strengthen the link between physical and economic planning in the Urban Core.

The City of St. John's proposed amalgamation with the Town of Wedgewood Park. The Town Council, supported by six citizens and the Member in the House of Assembly for the Provincial District in which the Town is located, strongly rejected the proposal. The evidence indicates that there was no strong and compelling reason for the establishment of the Town. Local government is the efficient agent for providing community services but the critical question about Wedgewood Park is - How many essential services are there with which the Council cannot cope because they go beyond the Town's boundaries? The answer is that the Town depends on the City for its water supply, its sewage disposal and its garbage disposal. In addition, the Town does not satisfy the criteria of co-ordination, equality or equity. Briefly put, the citizens enjoy the best of two worlds and naturally are determined to continue to do so. In my opinion, the Town should be amalgamated with the City.

The St. John's Board of Trade, which represents business interests throughout the entire Urban Core, proposed that the boundaries of the City be expanded to encompass the whole of it, as recommended by the Henley Commission. The Minister, in her press release of 16 January, 1981, said, "This may be the ideal solution but it is not felt to be publicly acceptable at this time." Professor J. Stefan Dypre, then Professor of Political Economy at the University of Toronto, wrote in the February, 1968 issue of The Journal of The Institute of Public

Administration of Canada to the following effect. While the Provincial Government has the undoubted right to change municipal boundaries at will, once boundaries have been defined and a council is given jurisdiction over them, whatever interests exist within the boundaries will find their political expression through this council. Protected by boundaries that give them their own local government, parochial interests possess the means of making policies that reflect their own values. Consequently, they will be loath to countenance boundary changes that would bring about a balance of interests different from theirs. The consequences are that the politics of municipal boundaries is the politics of parochial interests. Any proposal to change municipal boundaries which fails to give due consideration to existing political realities, is doomed to failure.

The fact that the St. John's Board of Trade supports the concept of one municipal unit for the entire Urban Core, brings it closer to realization but it is my opinion that it will be necessary for the Board to marshall stronger support for its concept than it brought to the public hearings before the concept comes to fruition.

The St. John's Metropolitan Area Board urged the establishment of a Regional Government that would provide municipal services within the Urban Core to areas outside the present City and Town of Mount Pearl. The recommendations of the Henley Commission were cited as support for this option. Of course the Henley Commission recommendations do not support this approach at all. The Henley Commission recommended an enlarged City that would include the entire Urban Core, and

second tier of regional government that would provide basic municipal services in unorganized rural settlements. What the Metro Board appears to be recommending is the continuation of the status quo in the Urban Core under a different name.

Regional Government was popular in Ontario during the period when the St. John's Urban Study and the Henley Commission hearings were taking place. Now there is a strong belief in Ontario that the performance has not lived up to expectations. This is borne out by a series of articles that appeared in The Globe and Mail commencing on March 9, 1981. The worst performance appears to have been in regions dominated by one large city, and best in regions made up of towns of comparable size.

Before a Regional Government can be established in the Northeast Avalon Region, it would be necessary for the Minister ot give notice of intent and have a feasibility study and report prepared. In my opinion, before this step is taken, the experience of regional government in Ontario and Manitoba should be carefully examined.

The City of St. John's submitted that Donovans Industrial Park and the area north of the Waterford River be annexed to the City instead of to the Town of Mount Pearl. Unless and until Mount Pearl is amalgamated with the City, it is my

opinion that the boundaries of Mount Pearl should be extended as proposed by the Minister. Anything else would fly in the face of political reality. It is to be noted that nobody from the area north of Waterford River or from Donovans Industrial Park appeared to oppose annexation to the Town of Mount Pearl.

The St. John's City Council recommended that the Kilbride Development Area, with the exception of the Agricultural Zone, be annexed to the City.

The earliest commercial farming in Newfoundland was on the outskirts of St. John's. Scores of families in Kilbride earned a livlihood from farming and selling their produce in St. John's. In the last ten years, 5,000 people have gone to live in Kilbride on land converted to urban use. It is argued that these subdivisions should remain in the community of Kilbride in order to maintain community identity. Nothing could be further from the truth. Kilbride is identified as a farming community. The presence of the urban subdivisions places the identity of Kilbride as a farming community in jeopardy. In my opinion, the best way to preserve the identity of Kilbride is to annex the urban subdivisions to the City of St. John's and allow Kilbride to remain as an agricultural community within the boundaries of the St. John's Metropolitan Area.

Unless the status quo is to be maintained and the St. John's Metropolitan Area Board is going to continue to provide municipal services within the Urban Core, which in my opinion are absurd,

the only options open for Kilbride are for it to become a separate municipality, or become part of St. John's. The evidence shows it is not feasible for Kilbride to become self-sufficient and this leaves annexation of the urban part of the community to St. John's as the only feasible alternative.

## CHAPTER XIV

## RECOMMENDATIONS

In its brief to the Royal Commission on Municipal Government in Newfoundland and Labrador, the Newfoundland and Labrador Federation of Municipalities stated on pages 16 and 17:

> "Municipal borders are open borders with no 'Customs policing' of movement of goods, services and people across the lines. The greater these spill-overs (or spill-ins), the greater the obstacles to the making of right decisions in terms of the overall public interest concerning the level and quality of provision of public goods and services. Municipal boundaries, this argument would have it, should therefore be drawn in such a way that spill-overs of benefits and costs would be minimized. The higher the degree of spill-overs, the higher the evidence that the municipal border does not reach far out enough to encompass the community. Consequently, the decision making process does not reflect in a comprehensive way the interests of that true community and thus the decisions arrived at are inefficient, uneconomic, and wrong."

Bearing in mind this argument, which I believe is sound, the evidence submitted at the hearings and what I believe to be the political realities in the St. John's Urban Core, I make the following recommendations on boundaries:

City of St. John's:

I recommend that the proposed boundaries of the City of St. John's, as announced by the Minister on January 16, 1981, be amended as follows:

1. To include the present Town of Wedgewood Park.

2. To include the Kilbride Development Area with the exclusion of the Agricultural Zone.

3. To include the additional potential industrial land east of the St. John's Airport but the northern boundary of this additional land to be south of properties fronting on the Pine Line Road.

4. To remove the minor difficulties identified by the City Council in the neighbourhood of Sugar Loaf Pond, along the Logy Bay Road, along the Outer Cove Road, at the entrance to West Hills, and at Spraggs Point.

These minor difficulties are technical problems which have to be solved in the field. The solutions should be sought with the intent to leave out of the City properties which cannot be served with water and sewer systems, to give responsibility for access roads to the municipality having jurisdiction over the corresponding subdivision, and to avoid having roads weaving in and out of a municipality.

I recommend that the request of Pegasus Ltd. and Cabot Development Corporation Ltd. that land designated for agricultural use be included in City boundaries be denied.

Wedgewood Park

If the recommendation to amalgamate Wedgewood Park with the City of St. John's is rejected, I recommend that the proposed boundaries of the Town be confirmed.

Town of Mount Pearl.

I recommend that the proposed boundaries of the Town of Mount Pearl be confirmed subject to solution in the field of five minor problems identified by the Town Council in its brief.

The St. John's Metropolitan Area.

I recommend that the proposed boundaries of the St. John's Metropolitan Area be confirmed subject to modifications that become necessary as a result of accepting the foregoing recommendations for amendments to the boundaries of the City of St. John's and the Town of Mount Pearl.

Number of Councillors:

I recommend that the number of councillors on the St. John's City Council be increased to ten and that the number on the Mount Pearl Town Council remain at seven. If the recommendation to amalgamate The Town of Wedgewood Park with the City of St. John's is rejected, I recommend that the number on the Town Council remain at seven. Because the future role and population under the jurisdiction of the St. John's Metropolitan Area Board depend on the degree to which the foregoing recommendations are accepted, I recommend that there be no change in the number of members at this time.

Wards:

The City of St. John's and both Town Councils opposed the creation of wards. The St. John's Board of Trade supported the idea but there were no submissions by the general public

on the subject. The City however submitted the results of a public opinion poll on the issue. The poll showed that 50% of those polled favoured a full ward system, 25% favoured a partial ward system, and 25% preferred election of councillors at large. It seems clear from this and other polls that a councillor for a ward is perceived by the majority of citizens to provide better access and be more responsible to voters, to be a better communicator between the 'ruled and the rulers', and to be a better mirror of neighbourhood needs and problems than councillors elected at large. It could be that the resistance of councillors in the Urban Core to the ward system is akin to the resistance of parochial interests to changes in municipal boundaries.

If the recommended boundary changes are carried out, it is important in my opinion, to establish the ward system in St. John's in conjunction with the changes. I believe it would do much to reduce antagonism between the old and the new City and help to preserve a sense of neighbourhood identity. Accordingly, I recommend that the enlarged City be divided into six wards, each with one councillor that normally resides in the ward. The City Council would then consist of a Mayor and four councillors elected at large, and six councillors elected for wards if the recommendation to increase the number of councillors to ten is accepted.

The boundaries of the Electoral Districts of St. John's Centre, St. John's East and St. John's West would be suitable for the boundaries of three of the wards, but the boundaries

of the other Electoral Districts in the Urban Core would not be suitable boundaries for wards. This is so because the common boundary between the Electoral Districts of St. John's East Extern and Mount Scio runs along the Portugal Cove Road and would divide the community of Airport Heights. Similarly, the Thorburn Road is a common boundary of these Electoral Districts and is therefore unsuitable for a ward boundary. I recommend therefore that the determination of suitable ward boundaries for the expanded City of St. John's be referred to the Co-ordinating Committee for further study. In order to achieve the principal purposes for establishing wards, the whole of Airport Heights, and other areas with an obvious common identity, should be in one ward.

Based on the same reasoning as the foregoing, I recommend that two wards be established for the Town of Mount Pearl, with one councillor each. The remaining four councillors would be elected at large. The recommended boundaries for the two wards are east and west of Commonwealth Avenue and Mount Carson Avenue.

Taxation:

If the City of St. John's is expanded as recommended, for some time there will be property which will not be connected to the City's water and sewer systems. Many properties will have water and sewer services provided by the owners or subdividers, and the capital value will not be materially less than that of property with City services. As a result, the property tax will not properly reflect the

fact that the owner is bearing the cost of services provided by the City to other taxpayers. Clearly an adjustment in taxes is required in such cases. The Citizens' Committee of Airport Heights recommended a scale of discounts for the principal City services that may not be supplied in the initial stage of the proposed expansion. I recommend that the problem be referred to the Co-ordinating Committee for negotiation. I also recommend that increases in property taxes in the areas added to the City of St. John's be phased in using the same formula as is used by the St. John's City Council to phase in property tax increases arising from the change from rental value to capital value.

Implementation of Dates:

If the foregoing recommendations are approved, I recommend that the boundary changes be implemented with effect from September 1st., 1981, so that they can be used for the municipal elections to be held in November, 1981. The financial and administrative changes arising out of the boundary changes should be implemented with effect from January 1st., 1982.

Adjustment of Assets and Liabilities:

A Co-ordinating Committee has been appointed by the Minister to negotiate the transfer of assets and liabilities arising out of boundary changes and municipal representatives

at the hearings endorsed this decision. Because of the number of options available and the number of municipalities involved in the proposed changes, it is not practicable to make firm recommendations on the adjustment of assets and liabilities until after the boundary changes have been decided.

# SYNOPSIS OF
# THE EVIDENCE TAKEN
# AT THE
# PUBLIC HEARINGS

This synopsis consists of an account of the public hearings and summarizes the discussions during the hearings.

Where written briefs or other documents were filed with the Commissioner, their contents are not summarized. They are referred to by a series of Exhibit numbers.

ST. JOHN'S URBAN REGION

URBAN CORE FEASIBILITY STUDY

Record of discussions at Public Hearings held by Mr. Clarence Powell, the Commissioner appointed to prepare Feasibility Reports.

2 March, 1981.
Mount Pearl Town Hall.
2:15 p.m.

1. Mr. Powell opened the hearing by introducing himself, Mr. D.B. Hurd, Secretary to the Commission, and Mr. W. Moores, operating the recording equipment.

2. The Secretary read the notices ordering the preparation of Feasibility Reports and the holding of public hearings. He stated that these notices were published in the "Daily News" and the "Evening Telegram on January 28th. and 31st., 1981, and February 21st., 1981.

3. Presentation by Mr. J.T. Allston on behalf of the Department of Municipal Affairs.

Mr. Allston traced the history of municipal government and planning in the area of the Urban Core from the City incorporation in 1921, to the St. John's Regional Study, the Henley Commission, and the attempts under Bills 101 and 50 to create a regional government. Arising out of discussions of this legislation under the auspices of the Newfoundland and Labrador Federation of Municipalities, Government concluded that Regional Government could not

proceed until the local structure was revised. Much of the information in Mr. Allston's presentation is included in the notes submitted by him. (Exhibit 1).

Mr. Allston explained the Government's strategy in dealing with the Urban Core of the Region before considering other parts of the Region. He explained that the Minister wrote to the municipalities in the Urban Core in November, 1979, asking for proposals. Based on these, the Government formulated the proposals now being considered.

Mr. Allston outlined the Government's Proposal (Exhibit 2). He explained that because land on Torbay Road was being considered and used for industrial use, the Government wished this land to be considered for inclusion in the proposed City although it was not so indicated in the proposal.

He pointed out that the Commissioner was specifically asked to give consideration to the status of Kilbride.

The potential future of Metro Board is uncertain and it would obviously develop regional functions.

Mr. Allston concluded his presentation by summarizing the contents of the Feasibility Study synopsis which had been prepared for the Mount Pearl proposal. (Exhibit 3).

4. Points arising in questions and discussions on Mr. Allston's presentation.

a) From Mr. Powell.

1. The Kilbride Study has been completed and it is being considered by the Citizens' Committee.

2. Property appraised in Mount Pearl and the Metro Area is done under same Act but assessment dates may vary - this may explain variation in mil rates.

b) From Mr. R. Downer
(New Town Citizens Committee)

1. Kilbride was left to determine its own future (in the Government Proposal) because of a specific request from the area and because a study was in progress. No other activity by a Citizens Group was known to Government.

2. Under the Feasibility Study procedure, public acceptability was only a part of the process. The Whelan Report had cast doubts upon the validity and usefulness of the plebiscite approach.

3. A petition taken in the New Town 3 years ago (which produced a result against amalgamation with Mount Pearl) may not be relevant now because the area is different. Much development has been added.

4. It is not correct to say that New Town was intended to be a separate viable community with Donovans and have nothing to do with Mount Pearl. Part of New Town is in Mount Pearl. In the planning, New Town and Donovans were perceived together.

5. Mr. Powell said that if a fresh plebiscite were held in New Town, he would be obliged to give it full consideration because of the requirement to consider local acceptability of the proposals. He pointed out that the plebiscite would have to be properly conducted and supervised.

6. Presentation by R. Downer on behalf of New Town Committee.

Mr. Downer took the Oath and read a short brief (Exhibit 4). He also made the following points:

1. New Town would be a self-sufficient community with Donovans under the Metro Board.

2. Plebiscite held a few years ago produced 80/85% against being part of Mount Pearl.

3. The reasons for this were the financial condition of Mount Pearl, the condition of its roads and services, and the lack of a tax base.

7. Points arising in discussion and questions on Mr. Downer's Presentation.

a) From Mr. Powell.

1. The area could not stand alone now but had the potential with Donovans to become self-sufficient.

2. The tax resource from Donovans would be a benefit to other areas, but would not produce much benefit if spread over "everybody".

b) From Mr. Allston.

Mr. Downer said that the impression was given in selling the New Town development that it would be an independent community, not part of Mount Pearl, although this was not explicitly stated at the time. Part of the New Town was in Mount Pearl but the Committee were not concerned with that area.

c) From Mayor Hodder of Mount Pearl.

Mayor Hodder described some of the aspects of the development process of the New Town. He felt it was never understood by the Mount Pearl Council to be a separate municipality, and he said Mount Pearl made several concessions and assisted in the planning for the New Town. In an exchange of questions with Mr. Downer, it was established that Mr. Downer felt the division between New Town and Mount Pearl should stay where it now is.

d) From Mr. George Desbarats of Mount Pearl.

Made some comments on the present local government situation. He was against Mount Pearl becoming part of the City of St. John's, and generally felt there was "too much government". When asked by Mr. Powell, he said he felt New Town should be in Mount Pearl.

Hearing adjourned at 4:20 p.m.

Hearing recommenced at 7:00 p.m.

8. Presentation by Mayor H. Hodder on behalf of the Town of Mount Pearl.

Mayor Hodder took the Oath.

In introducing his brief, the Mayor noted that the presentation was made with the participation and support of Council members and staff, and that Councillors Bannister, Connolly, Reid, and Wells were present as well as Mr. McArthur (Town Manager), Mr. Keats (Treasurer), and Mrs. McCarthy (Town Clerk).

Mayor Hodder read the brief (Exhibit 5) and made the following points:

i) Government proposal similar to former planning area.

ii) Town gave up industrial area to facilitate development of Donovans.

iii) Town allocated one million gallons per day of water and lost dump site to facilitate New Town.

iv) Newfoundland & Labrador Housing Corporation cannot create or change municipal structures.

v) Mount Pearl and New Town streets, water, sewer networks are integrated.

vi) New Town has been planned to be integrated with Donovans since 1971.

vii) There are several benefits in having strong competing municipalities in the Region.

viii) Even with Donovans, the municipality will not produce a large surplus.

9. Points arising in discussions and questions on Mayor Hodder's presentation.

a) From Mr. Powell.

1. Details on the proposed boundary adjustments in the Mount Pearl brief can be obtained from the Town Manager.

2. The Metro Board would have no further role in planning in the Urban Core, e.g. the Southwest Development Area, if the proposals were implemented. The Co-ordinating Committee would have to deal with this matter. However, Metro Board could carry out a regional co-ordinating role. If development of a new area seemed imminent, it should be transferred to the appropriate municipality.

b) From Mr. Allston.

1. The only service from the City, Mount Pearl now directly depends on is garbage disposal. They are awaiting a government decision on a disposal location for the Kilbride-Mount Pearl-Goulds area. Disposal systems could be operated by Metro or a regional authority as a regional service.

2. Fire protection is now available from the Province but the proposed enlarged Mount Pearl might need more facilities.

3. The Town of Mount Pearl, together with Metro Board and the City, contributes to the deficit on the Public Transit System.

4. Public Transit could probably be better operated as a regional service.

5. The advantages to areas to be annexed in becoming part of Mount Pearl included participation in the Town's recreation programmes, planning and the availability of municipal services of a good standard at a competitive price.

6. People from outside the Town can participate in the Town's recreational programmes.

7. There would be no difficulty in transferring assets, liabilities and responsibilities of the authorities by January 1, 1982, provided sufficient lead time was given, but careful planning of the transition is needed.

c). From Mr. Downer.

1. The Town had changed its plan and lost its industrial area to facilitate implementation of the New Town project on the understanding that this was for the benefit of the whole area.

2. It would be difficult to speculate how the area would have developed if the New Town project hadn't happened.

3. The Council had been assured (as stated on page 5 of the Town's brief) that ultimately the whole area would be one municipality and had assumed this would be Mount Pearl.

4. There is a difference in street widths between Mount Pearl and New Town.

d) From Mr. Charles Gosse.

1. Part of the original Mount Pearl Planning Area is now in Paradise.

2. Once this part of the Planning Area was lost, Mount Pearl lost any right to be consulted on its development.

3. When Mr. Gosse purchased a lot in the New Town in 1976, he was given information to suggest he was moving to a planned New Town and nothing was said to suggest future amalgamation with Mount Pearl.

4. Nothing in the proposed boundary changes would change the environment or concept of New Town.

5. There is little physical difference between the existing communities and underground services are linked. Boundaries should follow physical features.

6. Present regional functions are co-ordinated by the Technical Advisory Committee.

10. Mr. Hodder tabled a chart of revenues and expenditures comparing Mount Pearl with the proposed added areas (Exhibit 6).

11. Mr. Powell noted that there was no need to sit the following day, thanked everyone for their participation, and

said that there would be further opportunities for presentation of views in Wedgewood Park and at City Hall in St. John's.

12. Mr. Powell adjourned the hearing at 10:20 p.m. until 2:00 p.m. on March 4, 1981, in the Community Centre, Wedgewood Park.

4 March, 1981.
Wedgewood Park Community Centre.
2:00 p.m.

1. Mr. Powell opened the hearing by introducing himself, Mr. Hurd and Mr. Moores, as at the beginning of the Mount Pearl hearing.

2. The Secretary read the notices and stated when and where they were published, as at the beginning of the Mount Pearl hearing.

3. Presentation by Mr. J.T. Allston on behalf of the Department of Municipal Affairs.

Mr. Allston took the Oath.

Mr. Allston outlined the history of events leading to the current proposal, with particular reference to Wedgewood Park. The Minister had requested boundary proposals from all the municipalities in the Urban Core. The Wedgewood Park proposal had left the City hemmed in. He referred to the proposed Northeast trunk water and sewer systems, the development of which would require assessment against the development of land, these assessments to be paid by the municipalities and recovered by them from the developers. These trunk systems would not serve land in the existing town and there would be no

liability on the Town to pay any part of the cost. If the Town were expanded as the Council had proposed, the water system would cost the Town about $5 million. Mr. Allston summarized the contents of the synopsis of a feasibility study which had been prepared by the Department of Municipal Affairs (Exhibit 7).

4. Points emerging in discussion and questions on Mr. Allston's presentation.

a) From Mr. Powell.

1. Wedgewood Park should have been put in the City when first developed.

2. Suggestions of future reconsideration of the status of Wedgewood Park in the Feasibility Study synopsis suggests the municipality is being tolerated. It is an anomoly but not a difficult one to accommodate. A major municipality would be in a different position, and too many municipal units would create a need for a separate overall authority.

3. Access, representation and equity criteria were well met by the existing structure so far as Wedgewood Park is concerned. In considering equity, we must consider not only if the people were getting their money's worth, but if they were getting more than their money's worth. Equity seemed to be within tolerable limits.

4. In putting forward the proposals, the Department has to be sure they will work.

b) From Councillor Kirkland.

In a small municipality, the participation of women is both more significant and easier to accomplish. A small municipality would provide for the needs of children by, for example, recreation programmes.

c) From Mayor Thistle of the Town of Wedgewood Park.

1. Mr. Allston felt that there is an upper limit to the size of a viable municipality in the region of 200,000 to 300,000.

2. St. John's would be viable in the proposal but if the Urban Core were split into more units with no co-ordinating authority, viability would be prejudiced.

3. Some facilities in Wedgewood Park supported by the local tax base were available to the surrounding area.

4. The Department's proposal was designed to respond to both the criteria in the regulations and the expressed desires of Wedgewood Park.

5. Presentation by Dr. D. King.

Dr. King took the Oath.

Dr. King presented a brief (Exhibit 8) on behalf of himself and Mr. J. Symonds as owners of Pegasus Ltd., who owned 28.5 acres of land on Torbay Road near to Pulpit Rock. This land had been purchased for future development but was outside the proposed City in the proposal being considered. He suggested that the boundary of the City go to the Torbay boundary.

6. Points emerging in questions and discussions on Dr. King's presentation.

a) From Mr. O'Dea.

Mr. O'Dea asked questions to clarify the location of the land and observed that there would be need for adjustment of the boundaries as proposed.

b) From Mr. Allston.

The land is unused, uncleared and in the designated agricultural area. Unless the designation were changed, it should stay outside the City.

Hearing adjourned at 4:10 p.m.

Hearing recommenced at 7:30 p.m.

7. Presentation on behalf of the Town of Wedgewood Park.

Mayor W. Thistle introduced himself, Deputy Mayor Smith, and Councillors Williams, Drodge, Reynolds, Kirkland, and Bugge, Mr. Short of Newfoundland Design Associates, Mr. Shortall of Wells, O'Dea, Halley, Earle, Shortall and Burke, and Mr. Hogan of Bishops and Hogan, the latter three acting as consultants to the Council. He stated that Deputy Mayor Smith would read the Council's brief. Deputy Mayor Smith took the Oath and read the Town Council's brief (Exhibit 9).

8. Points emerging in questions and discussions on the the Town of Wedgewood Park's presentation.

a) From Mr. Allston.

1. Town receives normal Government grants.

2. Town supports concept of regional authority providing certain services including co-ordination and some controls. The boundary expansion proposed by the Town would provide an area for development of schools and churches and the opportunity for some to build larger residences, and the Council did not feel it would necessarily detract from community identity.

b) From Mr. Powell.

1. Referring to Schedule 1 in brief, net surplus of $65,764. arises as an accumulated surplus. This becomes approximately $15,000. deficit after including capital expenditure.

2. When services wear out, replacement will have to be paid from municipal revenues but the Council felt this could be done without drastic rise in taxes. As the Town grew, part of the replacement cost of older services would be borne by newer residents. This was a normal feature of growth, and suggested that to remain viable, the Town must grow.

3. Councillor Kirkland pointed out that the loss of identity question in relation to growth, which was raised in connection with Wedgewood Park's proposal, did not seem to be a factor in providing for expansion of Mount Pearl.

9. Presentation by Wedgewood Park Recreation Commission.

Paul Reynolds took the Oath and read a brief (Exhibit 10). There were no questions or discussion.

10. Presentation by Mr. Len Williams.

Mr. Williams took the Oath and said that he wished to make some personal observations.

He pointed out that whilst logic might suggest one local government for the whole area, there were many reasons for preferring a small scale of organization. He felt that smaller units could be more responsive, more people oriented, and could bring about sense of sharing and identity in their populations.

He saw a trend to being smothered by big government which was difficult to influence, and suggested that central co-ordination and decentralized control was desirable system.

11. Presentation by Gerry Lane

Mr. Lane took the Oath and stated that he was very much opposed to amalgamation with St. John's. He described some of the problems of an area, once a small municipality, absorbed into a larger city in which he had lived for some time.

He feared tax rises if they went into the City and felt that the St. John's Council was unresponsive.

Mr. Allston pointed out that annexation of Wedgewood Park to the City was not proposed at this time. Mr. Powell agreed but pointed out that the submission was nevertheless material and relevant.

12. Presentation by George Cole.

Mr. Cole took the Oath and said that he supported the positions taken by the Council and the Recreation Commission. He said that he and his family strongly identified themselves with Wedgewood Park and its community activities which he did not think would be possible to the same extent if they were part of a larger unit such as St. John's.

13. Presentation by Mr. Peter Shea.

Mr. Shea took the Oath and said that he wished to go on record as opposing the engulfment of the Wedgewood

Park by the City. He saw no benefit in such a move. Present services were adequate, community feeling was high, and recreation facilities and programmes were attractive. He feared a tax increase.

14. Presentation by Mr. Lloyd Brown.

Mr. Brown took the Oath and said he wished to make a personal statement in support of Wedgewood Park remaining a separate town.

He said that proposals to consolidate municipal governments were based on ideas of greater efficiency and streamlining of services but that this was at some cost of identity and community feeling. Residents of an area should be able to have duplication of services if they are prepared to pay for it. Diversity need not prevent proper planning, and larger organizations usually broke down into neighbourhood groups or something similar. Wedgewood Park's identity and peculiarity were valuable and should be kept. He felt it inconceivable that a democratically elected Council with strong support could be taken over.

15. Presentation by J. Wood.

Mr. Wood took the Oath and said he had lived in Wedgewood Park since 1964. He opposed any takeover by the City. He felt they could provide nothing, and the only reason

for such a move would be to get taxes from the area. He feared taxes would be doubled with no benefits. Wedgewood Park should be able to expand to provide further services.

16. Presentation by Honourable T.V. Hickey.

Mr. Hickey took the Oath and said he wished to make a brief statement regarding boundaries. He said that if it was concluded that Wedgewood Park should remain, its boundary should be extended to become a common one with the future municipality for the Middle Cove - Outer Cove - Logy Bay area. He felt that Wedgewood Park had demonstrated a capability and that it was loss of identity, not fear of high taxes, that was behind Wedgewood Park residents' attitudes. If the Town is to be allowed to continue, it must be given a chance to survive - more than a stay of execution.

17. Mr. Leland commented that he found the suggestion that Wedgewood Park was a parasite community, to be offensive.

18. Mayor Thistle, in summing up, said that Wedgewood Park had reservations about the concept of an enlarged City, that the 'big is beautiful' concept is invalid. He recognized that Wedgewood Park is an anomaly on the map and he hoped for expansion. He looked forward to the establishment of a regional government.

19. Mr. Allston, in summing up, said that the representations at this hearing had related to this community only, but that the Department of Municipal Affairs, as the responsible agency for all municipalities, had to look at the whole rapidly expanding urban complex with considerable planning and co-ordination problems. He referred to the various regional water and sewer projects, costing a total of $130 million needed to support the growing region. The object of the Department was to resolve the local government level of organization in such a way that everyone got the same services and paid the same taxes. He quoted from the conclusions of the Feasibility Study synopsis.

20. In a concluding statement, Mr. Powell said it seemed obvious that if Wedgewood Park is to remain, provision must be made for growth. This growth must be not only residential but should also include industrial/commercial growth to provide a tax base. However, this raised some regional planning implications concerning the proper location for industrial and commercial development. Whilst the Council brief had showed Wedgewood Park is now viable, no-one had shown it would be viable if it were to grow. He suggested Wedgewood Park might wish to make a further brief on that point at a future hearing.

21. Mr. Powell adjourned the hearing at approximately 10:30 p.m. until 2:00 p.m. on March 9, 1981, in the Foran Room, City Hall, St. John's.

9 March, 1981.
Foran Room, City Hall, St. John's.
2:00 p.m.

1. Mr. Powell opened the hearing by introducing himself, Mr. Hurd and Mr. Moores, as at the opening of the Mount Pearl and Wedgewood Park hearings.

2. The Secretary read the notices and stated when and where they were published, as at the opening to the Mount Pearl and Wedgewood Park hearings.

3. Presentation by Mr. J.T. Allston on behalf of the Department of Municipal Affairs.

Mr. Allston took the Oath and made a presentation explaining the Government's proposal.

He traced the growth of the City and the evolution of planning and municipal boundaries. There had been little change in the system for the Urban Core since 1969.

Government had decided to deal with serious problems at the local government level before again attempting to set up a regional government, but it was intended to approach regional aspects as a later stage of the strategy.

He explained the recent steps leading to the present proposals, and said that a co-ordination committee had

been set up to handle the various problems that would arise in the changeover.

Mr. Allston quoted from some financial projections of the position of the City if the expansion took place, showing that revenues and expenditures in the expanded City would be in balance.

Mr. Powell asked if the figures had been filed and Mr. Allston replied that they had not, but they would be filed and copies would be circulated the following day (see Exhibit 11).

Mr. Allston went on to point out that the Government's proposal aimed at equity of taxation. Any tax advantages that were apparent in the present set-up implied disadvantages elsewhere.

4. Points emerging in questions and discussions on Mr. Allston's presentation.

a) From Ms. Fagan on behalf of the Board of Trade.

The later date on which regional government would be reconsidered could not be determined until the problems of the Urban Core were resolved.

b) From Mr. Earle on behalf of Cabot Development Ltd.

The Airport Study might have an impact on City boundaries because it might suggest urban development of areas presently designated for agriculture.

c) From Mr. Bearns on behalf of the Town of Paradise.

There is no change to Paradise boundaries under the present proposals.

d) From Mr. R. Fahey on behalf of the Airport Heights Citizens Committee.

i) The development potential of the area northeast of Wedgewood Park is short term but the availability of services is not necessarily an equally short term matter.

ii) There is no detailed design and no time frame for the Penetanguishene sewer.

iii) An unserviced area added to the City would be subject to tax based on an assessment that recognized lack of services.

iv) There is no timetable for servicing.

v) Federal Government has not been consulted regarding the inclusion of the airport in the City because municipal boundaries are a Provincial matter.

vi) Airport Heights could not be dealt with in the proposals in the same way as Wedgewood Park because the latter is fully serviced and incorporated.

vii) The statutory method of dealing with boundary changes was the Feasibility Report process and the public hearings now being held were intended to demonstrate the extent of public acceptability for a proposal.

e) From Mr. Powell.

Since the overall aim is to remove differentials in services and taxes, once this is achieved, the super city concept might become more acceptable.

However, the super city concept, as demonstrated by the Winnipeg experience, has had its problems.

5. Presentation by Ms. Fagan on behalf of the St. John's Board of Trade.

Ms. Fagan took the Oath and read the Board's brief (Exhibit 12).

6. Points emerging in questions and discussions on Ms. Fagan's presentation.

a) From Mr. Allston.

i) The planning for the airport, for the port of St. John's, and the agriculture areas were examples of a multiplicity of government departments being involved in the area.

ii) The Industrial Parks Commission as suggested by the Board of Trade, would be a self-governing body purchasing services from surrounding and nearby authorities. Details of taxing and which industrial areas should be included, had not been worked out.

b) From Mr. Burke on behalf of the Kilbride Citizens Committee.

The enlarged City suggested by the Board of Trade would fit into a regional structure, but the Urban Core should be located as a unit. The Board of Trade had not researched the question of whether the Industrial Park Commission, which they had suggested, should be elected or appointed.

c) From Mayor Hodder of Mount Pearl

i) The Board did not feel that a "free enterprise" system of strong competing municipalities for the Urban Core would necessarily produce the desirable co-operation.

ii) New businessmen to the area had real problems in finding information as there were too many agencies.

iii) The Board of Trade were not sponsoring Industrial Parks Commission idea and had no fixed ideas on exactly what it would cover. They would like it to be investigated.

d) From Mr. Powell

There were difficulties in reconciling acceptance of the Henley Commission recommendation and the Board of Trade advocacy of an autonomous industrial commission. The Commission would have to make some sort of contributions to surrounding municipalities. The Commission could be a useful information agency.

7. Presentation by Mr. W. Earle on behalf of Cabot Development.

Mr. Earle stated that he was a consultant on behalf of Cabot Development. The principals of that firm, Mr. Basil Dobbin and Mr. F. Ryan were present to answer questions.

Mr. Earle took the Oath and presented a brief (Exhibit 13), which he summarized.

He explained that his clients were concerned with 135 acres

of land between Logy Bay Road and Torbay Road outside the City as proposed, which was in one ownership, was servicable, but presently designated for agricultural use. Whilst the Airport Trunk Sewer had been designed for an area which did not include this property, he suggested that a margin of capacity might exist. He questioned the suitability of using agricultural boundaries to determine municipal boundaries, and suggested it was premature to establish firm boundaries in this area when the Airport Study was in progress.

8. Points emerging in questions and discussions on Mr. Earle's presentation.

a) From Mr. Allston

All but 30 acres of the land could drain to the City. The points raised by Cabot Development should be presented to the Airport Environs Study Group.

b) From Mr. Lester and Mr. MacDonald (Nfld. Dairymen's Association)

Mr. Lester and Mr. MacDonald expressed concern at the piecemeal approach being suggested which might threaten the policies for protecting agricultural land.

c) From Mr. Jewczyk (St. John's Metropolitan Area Board)

Once agricultural land comes inside an urban municipality, its continued survival as an agricultural resource is prejudiced.

d) From Mr. Powell

He cannot consider the suitability of land for an agricultural designation. Cabot Development have not yet applied to the Department of Rural Agricultural and Northern Development for redesignation, but intend to.

9. Presentation by Mr. R. Bearns on behalf of the Town of Paradise.

Mr. Bearns took the Oath; presented a brief (Exhibit 14). There were no questions on the brief.

5:30 Hearing adjourned.

10 March, 1981
Foran Room, City Hall, St. John's
10:00 a.m. Hearing recommenced.

10. Mr. J. O'Brien, a resident of East Meadows, presented a letter to the Commissioner and asked if an opportunity could be made within two weeks for presentation of a brief for East Meadows. Mr. Powell said that before the hearings at City Hall concluded, he would announce the arrangements for final hearings at which supplementary or additional briefs could be presented.

11. Presentation By Mayor D. Wyatt and Mr. J. Cameron on behalf of the City of St. John's.

a) Mayor Wyatt read the letter of transmittal of the City brief (Exhibit 15). She then introduced Mr. John Cameron.

b) Mr. Cameron took the Oath. He filed written results of an attitude survey and notes on planning for St. John's (Exhibits 16 and 17). He then summarized the City brief (Exhibit 18).

c) He emphasized that the City's response was threefold:

i) Recognition of a forward step in the proposal.

ii) Suggestion of changes to the proposals with regard to Wedgewood Park, Kilbride, the area north of the Waterford River and Donovans.

iii) The need for Government assistance to service the extended area and to cover the phase-in of tax increases in the extended area.

d) In commenting on the City brief, Mr. Cameron also brought out the following points.

i) Wedgewood Park should not continue as a separate municipal unit and to accede to the Town's request for enlarged boundaries would be a serious mistake.

ii) The community of Kilbride, excluding the agricultural area, should be in the City but substantial assistance to the City, or a higher tax base would be needed.

iii) In the rest of the Urban Core, the Waterford River would make a better dividing line between Mount Pearl and the City than the drainage basin divide as proposed.

iv) The City's case for wanting Donovans in the City was mainly financial, although it must be recognized that the industries are dependent on and based in the City.

v) The City anticipated a long term need to protect the Broad Cove River watershed.

vi) Under the City's financial projections, it was likely that they would make a surplus on the expansion area in the first year, break even in the second, lose in the following two years, with a levelling out in the fifth or sixth year.

vii) If the unserviced expansion area were in the City, the Council could not take the view that providing services was discretionary. The services were needed and generous levels of Provincial support had to be assumed.

viii) Tax rates in the expansion area were half those in the City and the assessment was five years behind. To match tax rates in the City, rates in the expansion area would have to increase three and a half times, and it would be necessary to phase in the increase. This meant the City would lose revenue, and Provincial assistance would be needed.

ix) Assessment reflected presence or lack of piped services so there was no need for differential tax rates.

x) The case for Provincial assistance depended upon the following points:

a) Existing City residents should not have to subsidize servicing the expanded area.

b) The tax increase for the added area should be phased in.

c) The Province will have savings, e.g. in road maintenance.

d) The Province has not supported the City to the same extent as other municipalities.

12. Points emerging in questions and discussions on the City of St. John's presentation.

a) From Mr. Allston

i) The figure originally supplied by the Metro Board of the total assessed values in East Meadows of $44.6 million, was wrong. The correct figure was $24.7 million.

ii) Table C1 making estimates of revenue for the expansion areas is not a correct comparison of the existing and proposed situation because it does not show present Provincial assistance to Metro Board.

iii) The Department of Municipal Affairs had informed the City that 90% of the cost of operation of the St. John's Fire Department would be deducted from City grants.

iv) The City assumed that they would have to take over maintenance of all Provincial highways in the extension area "as is".

v) It had been assumed that bulk of the capital cost of extending services would have to be met from taxes. No allowance had been made in the estimates in the City brief for service levies or local improvement assessments.

vi) The 12 mil rate which the figures showed was being applied to the added areas because, on the basis of the Antoft Study, it was considered that the City's present rental value tax was equivalent to a 12-mil rate under a capital value system.

vii) The proposed extension is felt by the City to be equitable, partly because people living in the added areas had the benefit of City services for which they did not pay.

1:00 p.m. hearing adjourned.

2:30 p.m. hearing recommenced.

b) Mr. Cameron stated that it was necessary to prepare new Tables C-4 and C-6 to support the City brief, and these would be filed later (Exhibits 19 and 20).

c) From Mr. Burke on behalf of the Kilbride Citizens Committee.

i) The City's proposal to include the urban part of Kilbride but exclude the agricultural part, would split the community in half.

ii) The City could not see how Kilbride could be looked after under a regional government.

iii) There was some doubt as to whether the Kilbride referred to in the Attitude survey done for the City, was the same area as that covered by the Citizens' Committe.

d) From Mr. L. Kirwin on behalf of the Shea Heights Citizens Committee.

i) Shea Heights received scant attention in the City brief because the City had looked at the expansion areas together rather than considering each specific part.

ii) It was probable that if the City took the Shea Heights area, they would find some services such as sewer mains, sidewalks, transit and landscaping, could be improved.

iii) In discussing the Topsail Road area, the City had suggested Waterford River as a suitable boundary. Mr. Kirwin pointed out that Shea Heights is south of that river.

iv) The tax increases suggested by the City were too high and Mr. Kirwin questioned whether the average assessment shown for Shea Heights was realistic.

v) There had been no consultation with the people of Shea Heights.

e) From Mr. K. Goulart of Guzzwell Subdivision.

The residents of the Guzzwell subdivision were pleased with Metro services and taxes and saw no justification for City expansion.

f) From Mr. R. Fahey on behalf of Airport Heights Citizens Committee.

i) The people of Airport Heights are very concerned with the way the proposals specifically affect their own well defined area and there was little information in the City brief to explain the impact on the Airport Heights area.

ii) The City had no specific plans or priorities for servicing the area although it was aware of various trunk water and sewer projects and major road proposals, and it was generally known that the area was suitable for servicing and needed services.

iii) There were still some small unserviced areas in the City, specifically the Battery, Pennywell Road Extension, and Fort Amherst, and the City recognized a duty to bring such areas up to standard within a reasonable period of time.

iv) The attitude of City residents to the expansion proposals is not known.

v) Airport zoning controls administered by the Ministry of Transport would remain in effect under the City expansion and would have a significant effect on the height of development in flight paths.

vi) The City did not feel that equity demanded a different tax rate for different levels of services. Impact of taxation would reflect service variation because of differentials in assessment. The City does not have the legal power to change different taxes in different areas.

vii) Residents of areas outside the City receive benefits of or are able to use some City services.

viii) The effect of the proposals on the school bussing system is not known.

ix) City does not agree that Wedgewood Park should remain outside the City and does not feel the same argument can be made for Airport Heights.

x) City does not feel that a plebiscite is necessarily the best way of testing residents' views, and does not feel it would be right for the City to conduct one in the expansion areas.

g) From Mr. R. Bearns on behalf of the Town of Paradise.

i) The City would need the expansion areas for future residential growth (unless very high densities were used) and for industrial growth.

ii) It is not possible to predict actual future tax figures because of the uncertainity of inflation.

iii) St. John's has better fire protection because of the proximity of fire services.

h) From Mr. T. Lester on behalf of the Newfoundland Dairymen's Association.

The Association were apprehensive of the statement that the City saw no need at this time to take in the agricultural area.

i) From Mr. J. O'Brien of East Meadows.

i) In taking in East Meadows, the City would acquire a fully-serviced debt free area requiring no improvements.

ii) No figures were shown in the City's brief specifically for East Meadows because the City wanted to look at the expansion areas as a whole and pay particular attention to the areas in which the City differed from the Provincial proposal.

iii) It was not felt equitable to bring tax increases into effect immediately, but the City's position was that a phase-in would need Provincial assistance.

j) From Mr. J. MacDonald of Kilbride.

Metro Board would remain in control of that part of Kilbride that the City proposed to exclude but the extreme pressures for development and the closeness of the City boundary to the agricultural areas, was a threat to the agricultural activity.

k) From Mayor H. Hodder of Mount Pearl.

i) Mount Pearl could not accept the City's proposals that Donovans should go into the City but that Mount Pearl should absorb the New Town. Mount Pearl needs a well serviced industrial tax base.

ii) Mount Pearl queried the City contention that the Town relies on City services, especially because the Town pays for the services it receives.

5:30 p.m. Hearing adjourned.

11 March, 1981
Foran Room, City Hall, St. John's
10:00 a.m. Hearing recommenced.

1. Presentation by Mr. A. Burke on behalf of the Kilbride Citizens Committee.

Mr. Burke introduced himself as Chairman of the Committee, Mr. Stanley the Vice-President, and Mr. Humphries from Memorial University Extension Department.

He explained the location of Kilbride as defined by Waterford Bridge, the Southside Hills, Ruby Line, the Harbour Arterial Road and the present City, and said that a detailed plan had been done for the area by the Metro Board.

A video tape was shown of the views of various residents of Kilbride.

Mr. Burke then took the Oath and read a brief (Exhibit 21). In commenting on the brief, Mr. Burke suggested a phase-in of taxes for areas added to the City, emphasized the school bus problem, and the strength of community identity, and suggested that Metro Board should stay in place until a regional government system was ready to come into effect.

2. Points emerging in questions and discussions on Mr. Burke's presentation.

a) From Mr. Allston.

i) Kilbride is made up of very different areas - the new subdivision, the original community, and the agricultural land.

ii) Kilbride felt well provided for under Metro because there was a good rapport between the Board and the Committee.

iii) If the area were not close to the City, it would not have developed as it has.

iv) Kilbride was not looking to avoid taxes and was not proposing to exist alone.

v) The Committee favoured a regional government in which the taxes from industrial areas were shared out across the Region.

vi) The City's proposal would cut the community in half.

vii) The Committee felt that Kilbride would be better able to retain its identity as part of a Region than in the City.

b) From Mr. O'Dea on behalf of the St. John's Metropolitan Area Board.

In an interchange between Mr. O'Dea, Mr. Allston and Mr. Powell, it was suggested by Mr. O'Dea that if a Regional Council was set up. Kilbride could be administered as a local service district although it was felt that the provision for local service districts in The Municipalities Act was intended for small rural communities.

c) From Mr. N. Cohoon on behalf of the City of St. John's.

i) A regional government which excluded the Urban Core municipalities would be more like a county.

ii) The Kilbride Citizens Committee's proposal of a regional government providing local services to only part of the region did not fit the normal model of a regional government which was of an overall second tier authority providing different services from those provided by the first tier.

iii) With Kilbride under a regional government, it and other communities would need a first tier authority and the region would be a second tier.

d) From Mr. Powell

i) A supplementary brief from Kilbride on their ideas on regional government could be presented at a later hearing.

ii) Some of the recommendations on pages 4 and 5 of the Kilbride brief, particularly numbers 2 and 5 concerning agriculture, were outside the Commissioner's terms of reference.

iii) The Kilbride Citizens Committee acts in an advisory capacity to the Metro Board.

2. Presentation by Mr. L. Kirwin on behalf of the Shea Heights Citizens Committee.

Mr. Kirwin took the Oath and read his brief (Exhibit 22). In answer to questions by Mr. Allston, Mr. Kirwin said he was not aware what the residents' feelings were concerning that part of Shea Heights now inside the City.

3. Presentation by Mr. Tom Lester on behalf of the Newfoundland Dairymen's Association.

Mr. Lester took the Oath and read a brief (Exhibit 23).

4. Points arising in questions and discussions on Mr. Lester's presentation.

a) From Mr. Allston.

i) Land on Brookfield Road and Old Placentia Road now in agricultural production was affected by the proposals.

ii) Agricultural land in the Northeast was under pressure.

iii) The Association felt agricultural land was safer if Kilbride were kept outside the City.

b) From Mr. Powell.

Although agricultural land was controlled by Provincial legislation to which all municipalities must conform, the agricultural people have little political power and must explain their priorities.

1:00 p.m. Hearing adjourned.

2:30 p.m. Hearing recommenced.

5. Presentation by Mr. John O'Dea on behalf of the St. John's Metropolitan Area Board.

Mr. O'Dea introduced himself, and Ms. Caines, Town Clerk, and Mr. Power, Town Manager. He then took the Oath and read a brief (Exhibit 24).

He pointed out that although it had been stated that a Feasibility Report was not required for the change in the Metro Area boundaries, the Board, on the basis of legal advice, did not agree. It was contended that The Municipalities Act applies to the Metro Area as though it were a town. In any case, the Board were concerned to know the feasibility of their continued existence.

6. Points arising in questions and discussions on Mr. O'Dea's presentation.

a) From Mr. Allston.

i) The level of expenditures and staff of the Board depends on what they are supposed to do. Metro Board are not sure what role is required of them under the Government's proposals.

ii) Metro Board receives grants on the same basis as other municipalities.

iii) Metro Board pays the City for water and for the use of Robin Hood Bay Disposal Site.

iv) The Government proposals were different from the Henley proposals because the Urban Core is being split into two. Also the situation is different now because Donovans is bigger.

v) Metro Board's position was that a Regional Council should be put in place first.

b) From Mr. N. Cohoon on behalf of the City of St. John's

i) The reference in the Metro Board brief to decisions based on political expediency, referred particularly to the proposals for Wedgewood Park.

ii) Although remote communities in the Region might not be able to use regional services, Metro Board felt they should be part of the region because shopping and employment were concentrated in St. John's.

iii) Metro cannot afford to look after Shea Heights and Kilbride without Donovans.

iv) With a regional government, Kilbride or Shea Heights would have the option of being part of an Urban Core municipality or a Local Service District in the region.

v) Including these areas in a regional government might produce a situation in which local services were financed from regional resources, whereas the Urban Core municipalities had to pay for their services from their own resources.

c. Mr. Fahey said that he had a number of questions but that due to time constraints, he would give them in writing to Mr. O'Dea and file the questions and answers.

5:30 p.m. Hearing adjourned.

19 March, 1981.
Foran Room, City Hall, St. John's.
7:30 p.m. Hearing recommenced.

1. Presentation by Mr. R. Fahey on behalf of the Airport Heights Citizens' Committee.

Mr. Fahey took the Oath and read a brief (Exhibit 25).

2. Points arising in questions and discussions on Mr. Fahey's presentation.

a) From Mr. Allston.

i) There is a problem with polluted wells in parts of Penetanguishene which might inhibit development, but a certain amount of commercial development might be possible near the airport if water could be brought from the City as is done in the case of the Airport Inn.

ii) Unless a local water source of sufficient yield could be found, water and sewer services for the area would have to be extensions of the St. John's system.

iii) Presently road maintenance and snow clearing are done by the Department of Transportation and Communications.

iv) The nearest fire station is two miles from the centre of the area and insurance rates were high. There are no fire hydrants.

v) The Committee has not made any definite study of the costs and revenues of being a local municipality. They do not have sufficient information for such a study.

b) From Mr. N. Cohoon on behalf of the City of St. John's.

i) The Province provides road maintenance and fire protection to the Airport Heights area.

ii) Airport Heights pay about $9 a month for garbage collection, and those who have street lights pay $7-10. a month.

iii) Airport Heights residents benefit from City provided facilities and programmes such as the parking garage, recreational facilities, and tourist promotion, but Airport Heights residents do not feel that there is anything inequitable in the situation because these facilities get naturally drawn to locations in the City. In addition, the City benefits from presence of Airport Heights because it relies on workforce and customers from surrounding areas.

iv) Airport Heights residents really did not know what the relative costs and benefits of joining the City were. What they had heard was not attractive.

v) Mr. Fahey denied that the only objection to going into the City was fear of higher taxes.

3. Points arising in questions and discussions between Mr. Vassallo of Bel Air Park and Mr. Cohoon.

i) Distrust of the proposal to go into the City is probably founded on perceived inefficiency of the City Council.

ii) Businessmen from Airport Heights owning businesses in the City do contribute to the City and residents of the area do business in the City.

4. Mr. Fahey filed a list of questions to the St. John's Metropolitan Area Board and the answers he had received. (Exhibit 26).

5. Mr. Fahey asked if a plebiscite could be taken in Airport Heights and Mr. Powell said that if it could be completed before his report was finalized, he would take it into account.

Approximately 9:30 p.m. Hearing adjourned.

24 March, 1981
Foran Room, City Hall, St. John's.
10:00 a.m. Hearing recommenced.

1. Mr. Allston said that the Minister had ordered preparation of a separate Feasibility Report on the changed boundaries of the St. John's Metropolitan Area, and notices in this connection would be published shortly.

2. Presentation by Mr. J. O'Brien on behalf of the East Meadows Citizens' Committee.

Mr. O'Brien took the Oath, introduced himself, and Mr. A. Coish, a member of the Committee, and read a brief (Exhibit 27).

3. Points arising in questions and discussions on Mr. O'Brien's presentation.

a) From Mr. Allston.

i) People attracted to live in East Meadows by a number of features, including the school, the layout of the area, and as well, the availability of shopping and work nearby.

ii) In discussing the Committee's statement that the changes proposed were a threat to the area's socio-economic lifestyle, Mr. O'Brien identified the following issues:

a. Increased taxes.

b. A good relationship had been established with Metro Board.

c. City Council was not thought to be efficient.

d. Disruption of school bussing system.

iii) The residents were aware of the proposed phase-in of tax increases but this did not alter their attitudes to the proposals.

iv) East Meadows residents use City services but he considered it is well recompensed by expenditures in the City by East Meadows residents.

v) The Committee recognized that the present local government situation is unacceptable but felt a global approach treating all areas equally, would be better than the proposals.

vi) Possibly a solution somewhere between what was proposed and the Henley proposals should be examined.

vii) In referring to a Region, the Committee meant the Urban Core.

viii) They felt the proposals were short term. Problems would arise again.

b) From Mr. Cohoon.

i) In discussing the socio-economic impact, it might be valid to make comparisons with adjacent similar areas already in the City, such as Bally Haly.

ii) The Committee felt that the parking garage enquiry and the transit system were evidences of inefficiency in City administration.

iii) Costs of servicing the expansion areas would be spread over the whole expanded City.

iv) There are some services of the City, e.g. maintenance and repair of service lines - that external residents are not aware of.

4. Mr. O'Brien filed a copy of the questions sent to all residents (Exhibit 28).

12:20 p.m. Hearing adjourned.

3:45 p.m. Hearing recommenced.

5. Presentation by Mr. K. Goulart on behalf of some home-owners in Guzzwell Subdivision.

Mr. Goulart took the Oath and read a letter to the Commissioner (Exhibit 29).
During the ensuing discussion, Mr. Sheppard, who was one of the signetaries to the letter, also took the Oath and took part in the discussion.

6. Points arising in questions and discussions on Mr. Goulart's presentation.

a) From Mr. Allston.

i) The Guzzwell subdivision contains about 70 houses (not all of which are occupied), with paved roads, sidewalks, water, sewerage, garbage, and snow removal services from Metro Board.

ii) The area had been attractive to some because it was outside the City.

iii) City services and administration compared poorly with the Metro Board, specifically in snow clearing, garbage removal, and communication with officials.

iv) In talking about a Region, they referred to to Urban Core.

v) In this area, all areas receiving the same services should pay the same taxes.

b) From Mr. Cohoon.

i) The Guzzwell subdivision residents do not feel that City services are as efficiently provided as those they presently use.

ii) They envisage a regional government supplying all services they now receive.

iii) If all the existing governments in the Core were dissolved and one set up to replace it, it should be representative.

iv) A single authority for the Urban Core with a ward system and equal treatment for all areas, would be equitable.

c) From Mr. Powell.

Mr. Goulart and Mr. Sheppard explained they envisaged a Regional Council of about 20 persons, which would mean about 5,000 per representative. This is too large for one individual to specifically represent Guzzwell Subdivision.

d) From Mr. O'Dea.

Metro Board could not predict next year's tax rates. This would depend on what contracts are tendered for. Metro Board had no intention of not continuing to contract-out services but provision of services in this way was not possible in the City.

e) From Mr. O'Brien.

i) The residents of Guzzwell Subdivision were unanimous in their wish to remain under Metro, as it is at present.

ii) The residents felt some difficulty in responding to the proposal because they lacked information to understand the implications.

Approximately 5:00 p.m. Hearing adjourned.

8 April, 1981.
Rotary Park, Thorburn Road.
10:00 a.m.

1. Mr. Powell opened the hearing by introducing himself, Mr. Hurd and Mr. Moores, as at the beginning of earlier hearings.

2. The Secretary read notices ordering the preparation of a Feasibility Report concerning the St. John's Metropolitan Area Board which were published in the Evening Telegram and the Daily News on March 25, and in the Newfoundland Gazette on March 27.

3. Mr. O'Dea took the Oath and read a letter he had sent to the Commissioner (Exhibit 30).

4. Points emerging from questions and discussions on Mr. O'Dea's presentation.

a) From Mr. Powell.

The brief had again raised the Regional Council issue which was not included in the proposals which had been made, and would require a separate Feasibility Study procedure.

Some new things had been said and Mr. Powell proposed to permit cross examination on Mr. O'Dea's presentation.

b) From Mr. McArthur (Town of Mount Pearl)

The population figures quoted in the Feasibility Study were not in agreement with the Town's own submission. They represented an "ultimate capacity" situation

c) From Mr. Cohoon.

Metro Board were proposing a two-tier system and the City would be able to opt out of particular regional services.

d) From Mr. Fahey.

Mr. O'Dea felt it would not be possible to predict the tax rates required by the Regional Government envisaged in his proposal, but the serviced unincorporated areas would be taxed, probably at 6 mils. The rate in an area like Airport Heights would be on a par with designated service areas, with possibly assessments to meet cost of water and sewer services. It would be necessary to charge different rates to different areas.

In viewing the various concepts of Regional Government put forward at the hearings, most people were

talking about the same thing, but it was a much larger issue than that before this Committee.

d) From Mr. O'Brien.

i) It was felt the Commissioner could recommend partial changes.

ii) If Donovans were taken out of the Metro Area and nothing else changed, Metro would be in great difficulties.

e) From Mr. Powell.

i) In the Metro Board's proposal, East Meadows or any new subdivision would remain outside the City initially as a designated service area but would sooner or later probably become part of the City.

ii) Under the Metro proposal, there would be four wards for the entire region, with boundaries overlapping those of the City.

iii) In the Metro Area at present, taxes are not related to the cost of services because East Meadows and parts of Kilbride pay the same rate of tax but cost of the services is different.

iv) In the Metro proposal, taxes would vary according to the number of services provided but the cost of each service would be averaged out over all areas that received it.

v) There is a need for education on the need for changes in the system, and there has to be some justification for the sharp increase in taxes suggested by the City.

5. Presentation by Mr. A. Burke on behalf of the Kilbride Citizens Committee.

Mr. Burke presented a document setting out his Committee's view on Regional Government (Exhibit 31).

i) In discussion with Mr. Powell, Mr. Burke said that he envisaged one body responsible for all tax collection. He considered the suggestion in the Board of Trade brief for an Industrial Parks Commission was acceptable. The Committee wanted to be sure what system was coming in but accepted the inevitability of tax increases.

ii) Residents of Kilbride want to see a fair taxation system. Many fear high taxes because they have large lots which they were forced to obtain by planning restrictions. Also many do not see the need for piped water and sewer services.

iii) Kilbride people do not want to see their community split with the subdivisions in the City and rural areas outside it.

iv) There is also a concern that if the area went into the City, the school transportation service would be lost.

v) On the one hand, they fear losing their community completely but they recognize that changes are needed and should not be put off any longer.

6. Presentation by Mr. O'Brien on behalf of East Meadows Citizens' Committee.

In his remarks, Mr. O'Brien made the following points:

i) Government proposal seen as temporary and not the answer to the problem.

ii) Majority opinion at the hearings had been against the proposals.

iii) Tax increase proposed is heavy and discriminatory and has no justification.

iv) Metro Board should be commended; they have done a good job.

v) Motivation of the proposal is questioned because it produces significant benefits to a few people.

7. The Secretary read letters from Mr. Doyle and Mr. Noonan (Exhibits 32 and 33) concerning the inclusion of land in the Pine Line area in the proposed City extension. Mr. Allston pointed out that the land had in the past been taken out of an Agricultural Development Area, but was now in an Industrial Development Area. The road centre-line of Pine Line Road would not be a good location for a boundary.

Hearing adjourned 12:40 p.m.

Hearing recommenced 2:00 p.m.

8. Presentation by Mr. R. Fahey on behalf of Airport Heights Citizen's Committee.

Mr. Fahey made the following points.

i) Local taxes should not be imposed unless services were provided.

ii) More study and information was needed to enable residents of Airport Heights to understand and decide on their views on the proposals.

iii) There were a number of inconsistencies in the proposals, particularly in the way in which Wedgewood Park and Kilbride were handled in comparison with Airport Heights.

iv) His Committee had asked the Minister of Municipal Affairs to conduct a plebiscite in Airport Heights but the Minister considered it would not be appropriate for her Department to do this.

v) Vacant land in the City should be developed and serviced areas looked after before any boundary extensions were sanctioned. Non residential fringe areas should be absorbed before residential fringe areas; and the City should be able to "sell" the proposal to the people of the areas to be absorbed.

vi) The confusion concerning Regional Government should be cleared up.

vii) Because of the close connection of the Commissioner and the Secretary and the Director of Planning with the Department of Municipal Affairs, and because of the public apathy, it appeared that the Government had made up its mind.

viii) The Feasibility Report criteria are objective and to some extent measurable and represented an improvement over plebiscites and petitions.

9. The Secretary read the document submitted by the Shea Heights Citizens' Committee concerning Regional Government (Exhibit 34).

10. The Secretary read a letter from the Town of Paradise making supplementary points on their brief (Exhibit 35).

11. Presentation by Ms. Christine Fagan on behalf of the Board of Trade.

Ms. Fagan read a supplementary brief (Exhibit 36).

12. Presentation by Mayor Harvey Hodder on behalf of the Town of Mount Pearl.

Mayor Hodder made the following points:

i) Further investigation has shown that the anticipated deficit on serving West Hills and other areas was going to be higher and that the anticipated surplus on serving Donovans would be lower than originally expected. The Donovans surplus would be just about enough to pay the deficit on looking after unserviced areas and would be no bonanza.

ii) Discussions on this matter had been going on for more than a decade, the need for change was generally agreed on, and the proposals although perhaps requiring modification, should be implemented.

iii) Mount Pearl Council were always in support of Regional Government.

iv) This Feasibility Study is only one stage in the process, and the system would be capable of further adjustments, including the evolution of a regional council.

13. Presentation by Mr. N. Cohoon on behalf of the City of St. John's.

Mr. Cohoon made the following points:

i) The impact of the added areas on the City, with or without Donovans, would not be that great because of the small number of people in comparison with the existing City.

ii) City taxes are high because of low level of participation by the Province.

iii) City provides services to whole Urban Core at its own expense. A recent example was transportation for the handicapped.

iv) There was inequity in comparing the benefits and costs of road maintenance between the City dweller who worked outside the City with the person who lived outside, but worked in the City.

v) There were many tax-exempt institutions in the City that received City services.

vi) If water was not supplied, no water tax would be paid. It might be appropriate to consider a sewerage tax.

vii) Many services would be immediately available to areas added to the City, such as:

Elected representation
Street maintenance
Snow clearance
Animal and pest control
Building inspection
Traffic control
Street and sidewalk cleaning
Garbage collection
Street lighting
Special garbage pick-up
Service line maintenance and replacement
Water delivery
Parks and open space programmes.

viii) City had taken many recent steps to improve its administrative efficiency, such as:

Administrative re-organization
New tax collection policies
(The City has recorded a 99.8% collection rate).
Capital value taxation
Zero base budgeting.

ix) City agreed with the concept of one municipality for the Urban Core.

x) A county form of government should be established for that part of the Region outside the Urban Core.

xi) With a single municipality for the Core, and a county for the rest of the Region, a strong and efficient system would be in place.

14. In discussion with Mr. Powell, Mr. Cohoon explained the difference between a Regional Government (a second-tier municipality responsible for regional services in an area divided into first-tier municipalities), and county government (a first level municipality providing basic services to rural areas). This would be similar to county governments in other Maritime Provinces.

15. Presentation by Mr. J.T. Allston on behalf of the Department of Municipal Affairs.

Mr. Allston summarized the points which had been made on the proposals and made some concluding remarks (Exhibit 37).

16. Mr. Powell noted that the hearings were now concluded, thanked all participants for their comments and behaviour, and stated that he would now proceed with the preparation of his report.

Hearings adjourned 5:00 p.m.

# ST JOHN'S URBAN REGION

# FEASIBILITY REPORT on

**boundary and structural changes for Local Government in the Urban Core Area**

**C.W. Powell, B.Sc., LL.D., P.Eng., Commissioner**

May, 1981